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STATUTORY INSTRUMENTS

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**2020 No. 1637**

**EXITING THE EUROPEAN UNION  
AGRICULTURE  
FOOD  
INTELLECTUAL PROPERTY  
TRIBUNALS AND INQUIRIES**

The Agricultural Products, Food and Drink  
(Amendment etc.) (EU Exit) Regulations 2020

Made - - - - at 1.10 p.m. on 29th  
December 2020  
Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred:

- (a) in relation to Part 2, and Part 1 so far as it relates to Part 2, by section 2(2) of the European Communities Act 1972 <sup>F1</sup>;
- (b) otherwise, by sections 8(1) and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 <sup>F2</sup>.

As regards regulation 2, the Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to:

- (a) the common agricultural policy of the European Union <sup>F3</sup>;
- (b) food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink <sup>F4</sup>;
- (c) intellectual property (including both registered and unregistered rights) <sup>F5</sup>.

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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**F1** 1972 c. 68 (“the ECA 1972”). Section 2(2) of the ECA 1972 was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c.7\)](#). The ECA 1972 is repealed on exit day by the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#) (“the EUWA 2018”), but continues to have effect until IP completion day pursuant to section 1A of the EUWA 2018, inserted by section 1 of the

European Union (Withdrawal Agreement) Act 2020 (c. 1). For the meaning of “IP completion day” see [section 39](#) of the European Union (Withdrawal Agreement) Act 2020. See Part 3 of Schedule 8 to the EUWA 2018 as regards savings and transitional provisions in respect of the ECA 1972.

**F2** [2018 c. 16](#), amended by the [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#).

**F3** [S.I. 1972/1811](#). This instrument is prospectively revoked by [S.I. 2018/1011](#), which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

**F4** [S.I. 2005/2766](#). This instrument is prospectively revoked by [S.I. 2018/1011](#), which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

**F5** [S.I. 2006/608](#). This instrument is prospectively revoked by [S.I. 2018/1011](#), which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

## PART 1

### Introductory

#### Citation, commencement and extent

**1.—(1)** These Regulations may be cited as the Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020.

(2) Subject to paragraphs (3) and (4), an amendment or revocation made by these Regulations has the same extent as the provision being amended or revoked.

(3) Regulations 10 to 12 extend to Great Britain.

(4) Regulations 13 to 15 extend to Northern Ireland.

(5) This regulation and regulation 2 come into force—

(a) on the 21st day after the day on which these Regulations are made, or

(b) if earlier, immediately before IP completion day.

(6) Part 3 comes into force immediately before IP completion day.

(7) Except as provided for in paragraphs (5) and (6), these Regulations come into force on IP completion day.

#### Commencement Information

**II** Reg. 1 in force at 31.12.2020 immediately before IP completion day, see reg. 1(5)

## PART 2

Amendment of subordinate legislation: amendments  
coming into force in accordance with regulation 1(5)

#### The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

**2.—(1)** The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 <sup>F6</sup> are amended as follows.

(2) In regulation 2(2), for the definition of “Regulation 1151/2012” substitute—  
“Regulation 1151/2012” means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs <sup>F7</sup>.”.

(3) In regulation 3(2)(a) (the competent authority etc.) omit “38,”.

(4) Omit regulation 5 (delegation to control bodies).

- F6** [S.I. 2018/1275](#), amended by [S.I. 2019/1488](#). Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument. They are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 12 of this instrument. They are replaced, in relation to Northern Ireland, on IP completion day with the amendments in regulation 15 of this instrument.
- F7** OJ No. L 343, 14.12.2012, p. 1, last amended by Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ No L 95, 7.4.2017, p. 1).

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 immediately before IP completion day, see reg. 1(5)

## PART 3

Amendment of subordinate legislation: amendments  
coming into force immediately before IP completion day

### The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019

3. In the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 <sup>F8</sup>, in Schedule 5, after paragraph 7(1) insert—

“(1A) Sub-paragraph 1 does not apply to an application to register a trade mark that was pending immediately before the coming into force of these Regulations referred to in—

- (a) Article 14a of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs [<sup>F9</sup>, or that Article as applied by Article 14d of that Regulation]<sup>F10</sup>;
- (b) Article 102a of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products [<sup>F11</sup>, or that Article as applied by Article 102d of that Regulation]<sup>F12</sup>;
- (c) Article 19a of Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products [<sup>F13</sup>, or that Article as applied by Article 19d of that Regulation]<sup>F14</sup>;
- (d) Article 32a of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation [<sup>F15</sup>, or that Article as applied by Article 32d of that Regulation]<sup>F16</sup>.”.

- F8** [S.I. 2019/269](#).
- F9** Words in [reg. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(2\)\(a\)](#)
- F10** EUR 2012/1151. Prospective amendments were included in [S.I. 2019/865](#). Those amendments would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 18 of, and Schedule 2 to, this instrument. Article 14a is inserted in EUR 2012/1151 on IP completion day by Part 3 of Schedule 2 to this instrument. See the footnote for the reference to EUR 2012/1151 in the paragraph inserted in [S.I. 2009/1976](#) by regulation 8 of this instrument for information about the insertion of Annex 1B in EUR 2012/1151.
- F11** Words in [reg. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(2\)\(b\)](#)
- F12** EUR 2013/1308, amended prospectively on IP completion day by [S.I. 2019/828](#), 2020/1446, 1452. Articles 95(1A) and 97a are prospectively inserted in EUR 2013/1308 on IP completion day by [S.I. 2020/1446](#). Article 99a is prospectively inserted in EUR 1308/2013 on IP completion day by [S.I. 2019/828](#), as amended by 2020/1446 immediately before IP completion day. Article 102a is inserted in EUR 2013/1308 on IP completion day by Part 2 of Schedule 3 to this instrument. Article 107 of EUR 2013/1308 is prospectively amended on IP completion day by [S.I. 2019/828](#), as amended by [S.I. 2020/1452](#) immediately before IP completion day. There are other amending instruments but none is relevant.
- F13** Words in [reg. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(2\)\(c\)](#)
- F14** EUR 2014/251. Prospective amendments were included in [S.I. 2019/778](#), 865. They would have come into force on IP completion day. Those prospective amendments are omitted by regulations 5 and 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 21 of, and Schedule 4 to, this instrument. Article 19a is inserted in EUR 2014/251 on IP completion day by Part 3 of Schedule 4 to this instrument. See the footnote for the reference to EUR 2014/251 in the paragraph inserted in [S.I. 2009/1976](#) by regulation 8 of this instrument for information about the insertion of Annex 2B in EUR 2014/251.
- F15** Words in [reg. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(2\)\(d\)](#)
- F16** EUR 2019/33. Prospective amendments were included in [S.I. 2019/759](#), 778. They would have come into force on IP completion day. Those prospective amendments are omitted by regulations 4 and 5 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 26 of, and Schedule 8 to, this instrument. Article 32a is inserted in EUR 2019/33 on IP completion day by Part 3 of Schedule 8 to this instrument. See the footnote for the reference to EUR 2019/33 in the paragraph inserted in [S.I. 2009/1976](#) by regulation 8 of this instrument for information about the insertion of Annex A2 in EUR 2019/33.

#### Commencement Information

- I3** Reg. 3 in force at 31.12.2020 immediately before IP completion day, see reg. 1(6)

### The Food and Farming (Amendment) (EU Exit) Regulations 2019

4. In the Food and Farming (Amendment) (EU Exit) Regulations 2019 <sup>F17</sup> omit regulations 2 to 4 and 6 to 8 and the Schedule.

**F17** [S.I. 2019/759](#).

**Commencement Information**

**I4** Reg. 4 in force at 31.12.2020 immediately before IP completion day, see reg. 1(6)

**The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019**

5. In the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 <sup>F18</sup> omit regulations 3, 5 and 6.

**F18** [S.I. 2019/778](#).

**Commencement Information**

**I5** Reg. 5 in force at 31.12.2020 immediately before IP completion day, see reg. 1(6)

**The Food and Drink, Veterinary Medicines and Residues (Amendment etc.) (EU Exit) Regulations 2019**

6. In the Food and Drink, Veterinary Medicines and Residues (Amendment etc.) (EU Exit) Regulations 2019 <sup>F19</sup> omit regulations 2 to 10 and 12 to 14 and Schedules 1 to 6.

**F19** [S.I. 2019/865](#).

**Commencement Information**

**I6** Reg. 6 in force at 31.12.2020 immediately before IP completion day, see reg. 1(6)

## PART 4

Amendment of subordinate legislation: amendments  
coming into force on IP completion day

### CHAPTER 1

Amendment of subordinate legislation extending to the United Kingdom

**The Spirit Drinks Regulations 2008**

7.—(1) The Spirit Drinks Regulations 2008 <sup>F20</sup> are amended as follows.

(2) Omit regulation 2 and Schedule 1.

**F20** [S.I. 2008/3206](#); amended by [S.I. 2019/1289](#). Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, with the amendments in regulation 10 of this instrument and, in relation to Northern Ireland, with the amendments in regulation 13 of this instrument. There are other amending instruments but none is relevant.

**Commencement Information**

**I7** Reg. 7 in force at 31.12.2020, see reg. 1(7)

## The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

8.—(1) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009<sup>F21</sup> are amended as follows.

(2) In rule 22—

(a) in paragraph (6)—

(i) after sub-paragraph (g), insert—

“(h) in an appeal against an agricultural product or foodstuff decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as incorporated into domestic law by section 3(1) of the EUWA;

(i) in an appeal against an aromatised wine decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products as incorporated into domestic law by section 3(1) of the EUWA;”;

(ii) after sub-paragraph (j) insert—

“(k) in an appeal against a spirit drink decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages<sup>F22</sup> as incorporated into domestic law by section 3(1) of the EUWA;

(l) in an appeal against a traditional term wine decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation as incorporated into domestic law by section 3(1) of the EUWA.”.

(b) after paragraph (6) insert—

“(7) In this rule—

“agricultural product or foodstuff decision” means a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B to Regulation (EU) No 1151/2012 of the European Parliament and of the Council<sup>F23</sup>;

“aromatised wine decision” means a decision of the Secretary of State specified in column 1 of the table in Annex 2B to Regulation (EU) No 251/2014 of the European Parliament and of the Council<sup>F24</sup>;

“EUWA” means the European Union (Withdrawal) Act 2018;

“spirit drink decision” means a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 2 to Regulation (EU) 2019/787 of the European Parliament and of the Council <sup>F25</sup>;

“traditional term wine decision” means a decision of the Secretary of State specified in column 1 of the table in Annex A2 to Commission Delegated Regulation (EU) 2019/33 <sup>F26</sup>.”.

- F21** [S.I. 2009/1976](#); relevant amending instruments are [S.I. 2010/43](#) and, prospectively on IP completion day, [S.I. 2019/758](#), 828. Prospective amendments were also included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced with the amendments in regulation 8 of this instrument.
- F22** EUR 2019/787, amended on IP completion day by regulation 28 of, and Schedule 10 to, this instrument.
- F23** Annex 1B is inserted in EUR 2012/1151 on IP completion day by Part 7 of Schedule 2 of this instrument.
- F24** Annex 2B is inserted in EUR 2014/251 on IP completion day by Part 8 of Schedule 4 of this instrument.
- F25** Annex 2 is inserted in EUR 2019/787 on IP completion day by Part 3 of Schedule 10 to this instrument.
- F26** Annex A2 is inserted in EUR 2019/33 on IP completion day by Part 6 of Schedule 8 to this instrument.

#### Commencement Information

- I8** Reg. 8 in force at 31.12.2020, see reg. 1(7)

### The Wine Regulations 2011

9.—(1) The Wine Regulations 2011 <sup>F27</sup> are amended as follows.

(2) In regulation 1(3) omit the words from “, and” to the end.

(3) Omit regulation 20.

- F27** [S.I. 2011/2936](#), amended by [S.I. 2013/3235](#), 2019/524, 2020/639. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument. Those amendments are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 11 of this instrument. They are replaced, in relation to Northern Ireland, on IP completion day with the amendments in regulation 14 of this instrument. There are other amending instruments but none are relevant.

#### Commencement Information

- I9** Reg. 9 in force at 31.12.2020, see reg. 1(7)

## CHAPTER 2

Amendment of subordinate legislation so far as it extends to Great Britain

### The Spirit Drinks Regulations 2008

10.—(1) The Spirit Drinks Regulations 2008 are amended as follows.

(2) In regulation 1—

- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
- (b) number the existing paragraph as paragraph (1);
- (c) after paragraph (1) (as numbered by sub-paragraph (b)), insert—
  - “(2) They extend to Great Britain.”.
- (3) In regulation 3(1)—
  - (a) in the definition of “food authority” omit sub-paragraph (b);
  - (b) in the definition of “registered geographical indication”, for the words from “Annex” to “any” substitute “the”;
  - (c) in the definition of “relevant court”, for sub-paragraphs (c) and (d) substitute—
    - “(a) in relation to England and Wales, a magistrates' court;
    - (b) in relation to Scotland, a sheriff.”.
- (4) In regulation 5—
  - (a) in paragraph (1)—
    - (i) after “responsible” insert “ in Great Britain ”;
    - (ii) after “market”, in both places it occurs, insert “ in Great Britain ”;
    - (iii) for “technical file (if any)” substitute “ GB product specification ”.
- (5) In regulation 6—
  - (a) in paragraph (1) omit “Article 24(1) of”;
  - (b) in paragraph (2)—
    - (i) omit “Article 24(1) of”;
    - (ii) for the words from “being” to the end substitute—
      - “being—
      - (a) imported into, or exported from, Great Britain;
      - (b) moved into Great Britain from Northern Ireland;
      - (c) moved from Great Britain into Northern Ireland”;
  - (c) in paragraph (4), for the words from “being” to the end substitute—
    - “being—
    - (a) imported into, or exported from, Great Britain;
    - (b) moved into Great Britain from Northern Ireland;
    - (c) moved from Great Britain into Northern Ireland”.
- (6) In regulation 7(2), for the words from “being” to the end substitute—
  - “being—
  - (a) imported into, or exported from Great Britain;
  - (b) moved into Great Britain from Northern Ireland;
  - (c) moved from Great Britain into Northern Ireland”.
- (7) In regulation 10—
  - (a) for paragraph (2) substitute—
    - “(2) The authorised officer may take with them such other person as they consider necessary.”;
  - (b) omit paragraph (14);



- (c) for paragraph (15) substitute—
  - “(15) In this regulation, a reference to a justice of the peace includes, in Scotland, a reference to the sheriff.”.
- (8) For regulation 12(16) substitute—
  - “(16) The procedure in a magistrates' court under this regulation is by way of complaint, and, in England and Wales, the Magistrates' Courts Act 1980 applies to the proceedings.”.
- (9) For regulation 14(2) substitute—
  - “(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and in England and Wales, the Magistrates' Courts Act 1980 applies to the proceedings.”.

#### Commencement Information

**I10** Reg. 10 in force at 31.12.2020, see reg. 1(7)

### The Wine Regulations 2011

- 11.**—(1) The Wine Regulations 2011 are amended as follows.
- (2) For any reference to “European Regulations” substitute “retained EU Regulations”.
  - (3) After regulation 1(3) insert—
    - “(4) All the other provisions extend to Great Britain.”.
  - (4) In regulation 2—
    - (a) in paragraph (1)(a), for “EU instruments” substitute “any of the Regulations listed in the definition of “the retained EU Regulations” in paragraph (2) ”;
    - (b) in paragraph (2)—
      - (i) in the definition of “the Agency”, in sub-paragraph (a), for “, Wales and Northern Ireland” substitute “and Wales”;
      - (ii) omit the definition of “premises” and after the definition of “authorised officer” insert—
        - ““premises” includes any land or vehicle;”.
  - (5) In regulation 3—
    - (a) for paragraph (1) substitute—
      - “(1) The local authority enforces the retained EU Regulations [<sup>F28</sup>and the 1416/2006 prohibition]<sup>F29</sup> in relation to retail sale.”;
    - (b) omit paragraphs (4) and (8).
    - (c) after paragraph (9) insert—
      - “(10) In this regulation—
        - (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009 <sup>F30</sup>;
        - (b) “local authority” means an authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990 <sup>F31</sup>.”.
  - (6) In regulation 4—
    - (a) in paragraph (1)—

- (i) at the beginning insert “ In respect of Great Britain, ”;
- (ii) omit “, and acts as the Member State for,”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (a)(i) omit “or Member State”;
  - (ii) omit sub-paragraph (b);
- (c) in paragraph (3) omit sub-paragraph (b).
- (7) For regulation 8(4) substitute—
 

“(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.”.
- (8) In regulation 9—
  - (a) in paragraph (1), in the words before sub-paragraph (a) omit the words from “or in Northern” to “writing,”;
  - (b) for paragraph (5) substitute—
 

“(5) In this regulation, in Scotland, a reference to a justice of the peace includes a sheriff.”.
- (9) In regulation 16(2) omit sub-paragraph (d).

- F28** Words in [reg. 11\(5\)\(a\)](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(3)**
- F29** See [S.I. 2020/1636](#) for amendments to [S.I. 2011/2936](#) concerning “the 1416/2006 prohibition”.
- F30** [2009 c. 11](#).
- F31** [1990 c. 16](#); section 5 of the Act was amended by paragraph 16(1) of Schedule 9 to the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), **paragraph 163(2)** of Schedule 13 to the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), **paragraphs 7, 8 and 9** of Schedule 5 to the [Food Standards Act 1999 \(c. 28\)](#) and Part 1 of Schedule 3 to the [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#).

#### Commencement Information

- I11** Reg. 11 in force at 31.12.2020, see reg. 1(7)

### The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

**12.**—(1) The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 are amended as follows.

- (2) In regulation 1—
  - (a) in the heading, for “and commencement” substitute “, commencement and extent”;
  - (b) number the existing paragraph as paragraph (1);
  - (c) after paragraph (1) (as numbered by sub-paragraph (b)) insert—
 

“(2) The following provisions extend to Great Britain—

    - (a) this Part and Parts 2 to 4;
    - (b) regulations 22 and 23.”.
- (3) In regulation 2(1)(b), for “in regulation 3(2)(c)(iv)” substitute “ where otherwise specified ”.
- (4) For regulation 3(2) substitute—

- “(2) The Secretary of State is responsible for exercising the functions of the designated authority for the purposes of Articles 13(3), 24(2) and 34.”.
- (5) For regulation 6(4) substitute—
- “(4) For the purposes of these Regulations any authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990 is eligible for appointment as an enforcement authority.”.
- (6) In regulation 10—
- (a) in paragraph (4)—
- (i) for the first comma substitute “ or ”;
- (ii) omit “or lay magistrate in Northern Ireland”;
- (iii) for “, sheriff or lay magistrate,” substitute “ or sheriff ”;
- (b) for paragraph (8)(a) substitute—
- “(a) be accompanied by such other persons as the authorised officer considers necessary;”.
- (7) In regulation 12—
- (a) in paragraph (1)—
- (i) for sub-paragraph (a) substitute—
- “(a) has marketed, or is marketing or intending to market, a product—
- (i) under a registered PDO or PGI which has not been labelled in a way described in Article 12 of Regulation 1151/2012 as read with Article 16(4) of that Regulation and Article 2 of, and the Annex to, Regulation 664/2014 <sup>F32</sup>, or
- (ii) under a registered TSG which has not been labelled in a way described in Article 23 of Regulation 1151/2012 as read with Article 25(4) of that Regulation and Article 2 of, and the Annex to, Regulation 664/2014;”.
- (ii) in sub-paragraph (j), for the words from “or (3)” to “2 of” substitute “ to (3) of Regulation 668/2014 <sup>F33</sup> as read with Article 2 of, and the Annex to, ”;
- (b) in paragraph (2)(e), for “, 16 or, as the case may be, 17” substitute “ or 16 as the case may be ”;
- (c) in paragraph (3), for “to 17” substitute “ and 16 ”.
- (8) In regulation 13—
- (a) in paragraph (3)(e), for “, 16 or, as the case may be, 17” substitute “ or 16 as the case may be ”;
- (b) in paragraph (4), for “to 17” substitute “ and 16 ”.
- (9) In regulation 14—
- (a) in paragraph (4)(c)(i), for “, 16 or, as the case may be, 17” substitute “ or 16 as the case may be ”;
- (b) in paragraph (5), for “to 17” substitute “ and 16 ”.
- (10) Omit regulation 17.
- (11) In regulation 20, in the words before sub-paragraph (a), for “to 17” substitute “ and 16 ”.
- (12) Omit regulation 21.
- (13) In regulation 22—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a), after “years” insert “ in Great Britain ”;
  - (ii) in sub-paragraph (b), for “national opposition procedure” substitute “ opposition procedure referred to in Article 51 ”;
- (b) in paragraph (2), for the words from “Secretary” to the end substitute “ registration takes effect ”.

- F32** EUR 2014/664. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 22 of, and Schedule 5 to, this instrument.
- F33** EUR 2014/668. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 23 of, and Schedule 6 to, this instrument.

#### Commencement Information

- I12** Reg. 12 in force at 31.12.2020, see reg. 1(7)

## CHAPTER 3

Amendment of subordinate legislation so far as it extends to Northern Ireland

### The Spirit Drinks Regulations 2008

- 13.—**(1) The Spirit Drinks Regulations 2008 are amended as follows.
- (2) For “relevant court”, in each place it occurs, substitute “magistrates' court”.
- (3) In regulation 1—
- (a) in the heading, for “and commencement” substitute “ , commencement and extent ”;
  - (b) number the existing paragraph as paragraph (1);
  - (c) after paragraph (1) (as numbered by sub-paragraph (b)), insert—
 

“(2) They extend to Northern Ireland.”
- (4) In regulation 3—
- (a) for the definition of “food authority” substitute—
 

““food authority” means a district council;”;
  - (b) for the definition of “port health authority” substitute—
 

““port health authority” means, in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984 <sup>F34</sup>, the port health authority for that district;”;
  - (c) omit the definition of “relevant court”.
- (5) In regulation 5(1) insert “ in Northern Ireland ” after—
- (a) “responsible”;
  - (b) “market” in both places it occurs.
- (6) In regulation 6—
- (a) in paragraph (2), for the words from “being” to the end substitute—
 

“being—

- (a) imported into, or exported from, Northern Ireland;
  - (b) moved from Northern Ireland into Great Britain;
  - (c) moved into Northern Ireland from Great Britain”;
- (b) in paragraph (4), for the words from “being” to the end substitute—  
“being—
  - (a) imported into, or exported from, Northern Ireland;
  - (b) moved from Northern Ireland into Great Britain;
  - (c) moved into Northern Ireland from Great Britain”.
- (7) In regulation 7(2), for the words from “being” to the end substitute—  
“being—
  - (a) imported into, or exported from Northern Ireland;
  - (b) moved from Northern Ireland into Great Britain;
  - (c) moved into Northern Ireland from Great Britain”.
- (8) In regulation 10—
  - (a) for paragraph (2) substitute—  
“(2) The authorised officer may take with them such other person as they consider necessary.”;
  - (b) in paragraph (5), for “justice of the peace” substitute “ lay magistrate ”;
  - (c) omit paragraphs (14) and 15.
- (9) In regulation 12—
  - (a) for paragraph (16) substitute—  
“(16) The procedure in a magistrates' court under this regulation is by way of complaint, and the Magistrates' Courts (Northern Ireland) Order 1981<sup>F35</sup> applies to the proceedings.”;
  - (b) omit paragraph (17).
- (10) In regulation 14—
  - (a) for paragraph (2) substitute—  
“(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts (Northern Ireland) Order 1981 applies to the proceedings.”;
  - (b) omit paragraph (3).
- (11) Omit regulation 30(9).

**F34** 1984 c. 22.

**F35** S.I. 1981/1675 (N.I.26).

#### **Commencement Information**

**I13** Reg. 13 in force at 31.12.2020, see reg. 1(7)

### **The Wine Regulations 2011**

**14.**—(1) The Wine Regulations 2011 are amended as follows.

(2) After regulation 1(3) insert—

- “(4) All the other provisions extend to Northern Ireland.”.
- (3) In regulation 2(2), for the definition of “the Agency” substitute—  
 ““the Agency” means the Food Standards Agency;”.
- (4) In regulation 3—
- (a) for paragraph (1) substitute—  
 “(1) The local authority enforces the European Regulations [<sup>F36</sup>and the 1416/2006 prohibition] in relation to retail sale.”;
  - (b) in paragraph (2), for “Secretary of State” substitute “ Department of Agriculture, Environment and Rural Affairs ”;
  - (c) omit paragraphs (3), (4), (6), (8) and (9);
  - (d) insert as paragraph (10)—  
 “(10) In this regulation—  
 (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009 <sup>F37</sup>;
  - (b) “local authority” means a district council within the meaning of the Interpretation Act (Northern Ireland) 1954 <sup>F38</sup>.”.
- (5) In regulation 4—
- (a) in paragraph (1)—  
 (i) at the beginning insert “ In respect of Northern Ireland, ”;
  - (ii) for “as the” substitute “ as if a ”;
  - (b) omit paragraph (3).
- (6) Omit regulation 6.
- (7) For regulation 8(4) substitute—  
 “(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.”.
- (8) In regulation 9(1)—
- (a) in paragraph (1)—  
 (i) in the words before sub-paragraph (a), for the words from “justice” to “Ireland” substitute “ lay magistrate ”;
  - (ii) in the words after sub-paragraph (b), for “justice” substitute “ magistrate ”;
  - (b) omit paragraph (5).
- (9) In regulation 16(2) omit sub-paragraphs (b) and (c).
- (10) Omit Schedules 1 and 2.

**F36** Words in [reg. 14\(4\)\(a\)](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(4)**

**F37** 2009 c. 11.

**F38** 1954 c. 33 (N.I.).

#### Commencement Information

**I14** Reg. 14 in force at 31.12.2020, see reg. 1(7)

## **The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018**

**15.—**(1) The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 are amended as follows.

(2) In regulation 1—

- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
- (b) number the existing paragraph as paragraph (1);
- (c) after paragraph (1) (as numbered by sub-paragraph (b)) insert—

“(2) The following provisions extend to Northern Ireland—

  - (a) this Part and Parts 2 to 4;
  - (b) regulations 21 to 23.”.

(3) In regulation 3(2)—

- (a) at the beginning insert “ As regards Northern Ireland, ”;
- (b) in sub-paragraph (c)(ii) omit “, as read with Article 15”.

(4) For regulation 6(4) substitute—

“(4) For the purposes of these Regulations any district council within the meaning of the Interpretation Act (Northern Ireland) 1954 is eligible for appointment as an enforcement authority.”.

(5) In regulation 10—

- (a) in paragraph (4), in the words before sub-paragraph (a), omit—
  - (i) the words from “justice of the peace in England” to “Scotland or”;
  - (ii) “justice, sheriff or”;
- (b) for paragraph (8)(a) substitute—

“(a) be accompanied by such other persons as the authorised officer considers necessary;”.

(6) In regulation 12—

- (a) in paragraph (2)(e) omit “15, 16, or as the case may be,”;
- (b) in paragraph (3), for “regulations 15 to” substitute “ regulation ”.

(7) In regulation 13—

- (a) in paragraph (3)(e) omit “15, 16, or as the case may be,”;
- (b) in paragraph (4), for “regulations 15 to” substitute “ regulation ”.

(8) In regulation 14—

- (a) in paragraph (4)(c)(i) omit “15, 16 or, as the case may be,”;
- (b) in paragraph (5) for “regulations 15 to” substitute “ regulation ”.

(9) Omit regulations 15 and 16.

(10) In regulation 20, in the words before sub-paragraph (a), for “regulations 15 to” substitute “ regulation ”.

(11) In regulation 22(1)(a), after “years” insert “ in Northern Ireland ”.

(12) In regulation 23(4) omit “other”.

### Commencement Information

**I15** Reg. 15 in force at 31.12.2020, see reg. 1(7)

## PART 5

### Amendment of retained direct EU legislation

#### Commission Regulation (EC) No 2870/2000

**16.**—(1) Commission Regulation (EC) No 2870/2000 laying down Community reference methods for the analysis of spirits drinks <sup>F39</sup> is amended as follows.

(2) In Article 1, in the words before the first indent—

- (a) omit “Community”;
- (b) for the words from “Regulation (EEC) No 1576/89<sup>F40</sup>” to “1014/90” substitute “Regulation 110/2008<sup>F41</sup>”.

(3) In Article 3—

- (a) number the existing paragraph as paragraph 1;
- (b) in paragraph 1 (as numbered by sub-paragraph (a)), in the words before point (a)—
  - (i) omit “Community”;
  - (ii) after “down” insert “ in retained EU law ”;
- (c) in point (a), for “the Annex to Directive 85/591/EEC” substitute “ Annex 3 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>F42</sup> ”;
- (d) in point (d), for the first indent substitute—
 

“— in relation to an official control being carried out in an individual case, an analytical method approved by the appropriate authority by administrative decision,”;
- (e) after paragraph 1 (as numbered by sub-paragraph (a)) insert—

“2. In this Article:

- (a) regardless of where the analysis itself is carried out, ‘the appropriate authority’ means:
  - (i) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in England, the Secretary of State;
  - (ii) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in Scotland, the Scottish Ministers;
  - (iii) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in Wales, the Welsh Ministers;



- (b) ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.
- (4) In Article 4, after point (c) insert—
  - “(d) ‘Regulation 110/2008’: means Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.”.
- (5) After Article 5 omit the words from “This Regulation” to “States.”.
- (6) In the Annex—
  - (a) in Chapter 3 (determination of volatile substances and methanol of spirit drinks), in Part 3.1 (general remarks)—
    - (i) in paragraph 1, in the words before point 1, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”;
    - (ii) in paragraph 2, in the second subparagraph, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”;
  - (b) in Chapter 6 (determination of glycyrrhizic acid using high performance liquid chromatography), in paragraph 1, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”;
  - (c) in Chapter 7 (high-performance liquid chromatography method for verifying the presence of chalcones in pastis), in paragraph 1, in the second subparagraph, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008”.

- F39** EUR 2000/2870. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 16 of this instrument.
- F40** OJ No. L 160, 12.6.1989, p. 1, repealed by Regulation (EC) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16).
- F41** EUR 2008/110. Prospective amendments were included in [S.I. 2019/759](#), 778. They would have come into force on IP completion day. They are omitted by regulations 4 and 5 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 17 of, and Schedule 1 to, this instrument.
- F42** EUR 2017/625.

#### Commencement Information

- I16** Reg. 16 in force at 31.12.2020, see reg. 1(7)

### Regulation (EC) No 110/2008 of the European Parliament and of the Council

**17.—**(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks is amended as follows.

- (2) In Article 1—
  - (a) in paragraph 2—
    - (i) for “the Community”, in the first place it occurs, substitute “Great Britain”;
    - (ii) for “the Community”, in the second place it occurs, substitute “Great Britain, Northern Ireland”;

- (iii) for “the Community for export” substitute “ Great Britain for movement to Northern Ireland or export to a third country ”;
- (b) in paragraph 3—
  - (i) after “where” insert “ a spirit drink is being moved to Northern Ireland, or exported to a third country, and the law that applies in Northern Ireland, or ”;
  - (ii) after “importing third country” insert “ , as the case may be, ”;
  - (iii) for the words from “the regulatory” to the end substitute “ paragraphs 4 to 6 ”;
- (c) after paragraph 3 insert—

“4. A derogation may be granted:

- (a) by regulations, or
- (b) on application, by administrative decision, where regulations have not been made or where regulations have been made but do not apply in a particular case.

5. An application of the type referred to in paragraph 4(b) may be made:

- (a) to the Secretary of State, in the case of an operator intending to:
  - (i) export a consignment of a spirit drink from England to a relevant third country;
  - (ii) move a consignment of a spirit drink from England to Northern Ireland;
- (b) to the Scottish Ministers, in the case of an operator intending to:
  - (i) export a consignment of a spirit drink from Scotland to a relevant third country;
  - (ii) move a consignment of a spirit drink from Scotland to Northern Ireland;
- (c) to the Welsh Ministers, in the case of an operator intending to:
  - (i) export a consignment of a spirit drink from Wales to a relevant third country;
  - (ii) move a consignment of a spirit drink from Wales to Northern Ireland.

6. An application of the type referred to in paragraph 4(b) must be made in relation to one type of spirit drink and on a consignment by consignment basis.

7. In this Article—

- (a) ‘consignment’ means a quantity of one type of spirit drink covered by a single document required for customs formalities and may be composed of more than one lot;
- (b) ‘lot’ has the meaning given in regulation 2 of the Food (Lot Marking) Regulations 1996<sup>F43</sup>, as it extends to Great Britain;
- (c) ‘relevant third country’ means a third country of the type referred to in paragraph 3.”.

(3) After Article 2 insert—

*“Article 2a*

*Definition of third country*

In this Regulation, ‘third country’ means a country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.
- (4) In Article 5—
  - (a) in paragraph 1(e), for the words from “shall be decided” to the end substitute “ may be specified in regulations ”;
  - (b) in paragraph 2(e) omit the words from “and taking” to the end.
- (5) Omit Article 6.
- (6) In Article 7, after the existing paragraph insert—

“In this Chapter, ‘Great Britain's GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages.”.
- (7) In Article 8, for “Article 5 of Directive 2000/13/EC<sup>F44</sup>” substitute “ Article 17 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers <sup>F45</sup> ”.
- (8) In Article 9—
  - (a) in paragraph 4, for “Annex III” substitute “ Great Britain's GIs Register ”;
  - (b) in paragraph 5—
    - (i) for “Annex III” substitute “ Great Britain's GIs Register ”;
    - (ii) after “Chapter III” insert “ of Regulation (EU) 2019/787 ”;
  - (c) in paragraph 6—
    - (i) in the words before point (a), for “Annex III” substitute “ Great Britain's GIs Register ”;
    - (ii) in point (a) omit “within the meaning of Article 20”;
    - (iii) in point (b), for “Article 17(1)” substitute “ paragraph 1 of Article 22 of Regulation (EU) 2019/787, as read with paragraph 2 of that Article ”;
  - (d) in paragraph 7, for “Annex III” substitute “ Great Britain's GIs Register ”;
  - (e) in paragraph 9, for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”;
  - (f) after paragraph 9 insert—

“10. In this Article, ‘established geographical indication’ means a geographical indication within the meaning of Article 3(4) of Regulation (EU) 2019/787 to which Article 54(2) of the EU withdrawal agreement applies.”.

- (9) In Article 10—
  - (a) in paragraph 1—
    - (i) for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”;

- (ii) for “Annex III” substitute “ Great Britain's GIs Register ”;
- (b) in paragraph 4 omit “in the Community”.
- (10) In Article 11(4), in the first subparagraph, for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”.
- (11) In Article 12(3)—
  - (a) omit the words from the beginning to “25(3),”;
  - (b) at the end insert as a new sentence—
 

“Regulations may specify derogations in respect of this requirement.”.
- (12) In Article 14—
  - (a) in paragraph 2, for “Annex III” substitute “ Great Britain's GIs Register ”;
  - (b) in paragraph 4, for “the Community” substitute “ Great Britain ”.
- (13) Omit Articles 17(2) <sup>F46</sup>, 20 <sup>F47</sup> and 24.
- (14) For Article 25 substitute the new Articles 25 to 25c in Schedule 1.
- (15) For Article 26 substitute—

*“Article 26*

*Amendment of the Annexes*

Annexes 1 and 2 may be amended by regulations.”.

- (16) For Article 27 substitute—

*“Article 27*

*Implementing regulations*

1. Regulations may be made to make such provision as appears necessary to the appropriate authority in relation to the implementation of this Regulation.
  2. In this Article, ‘the appropriate authority’ means the person specified in Article 25(1) (a), (b)(ii) or (c)(i), as the case may be or, in a case where the Secretary of State is to exercise the power to make regulations under this Article pursuant to Article 25(2) (having obtained the necessary consents required by Article 25(2)), the Secretary of State.”.
- (17) In Article 28—
    - (a) omit paragraph 1;
    - (b) in paragraph 2—
      - (i) for the words from the beginning to “adopted” substitute “ Regulations may be made ”;
      - (ii) omit “Community”;
    - (c) in paragraph 3—
      - (i) omit the first sentence;
      - (ii) in the second sentence, for “prior to 20 February 2008 or until” substitute “ as it had effect in Great Britain immediately before ”.
  - (18) After Article 30 omit the words from “This Regulation” to “States.”.

(19) In Annex 1—

(a) in point (6)—

(i) in the first paragraph, for the words from “Council Directive [80/777/EEC](#)” to “consumption” substitute “any relevant water quality legislation”;

(ii) after the second paragraph insert—

“In this point, ‘relevant water quality legislation’ means:

(a) in relation to spirit drinks marketed in England:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 <sup>F48</sup>;

(ii) the Water Supply (Water Quality) Regulations 2016 <sup>F49</sup>;

(iii) the Private Water Supplies (England) Regulations 2016 <sup>F50</sup>;

(b) in relation to spirit drinks marketed in Scotland:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007 <sup>F51</sup>;

(ii) the Public Water Supplies (Scotland) Regulations 2014 <sup>F52</sup>;

(iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 <sup>F53</sup>;

(c) in relation to spirit drinks marketed in Wales:

(i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 <sup>F54</sup>;

(ii) the Private Water Supplies (Wales) Regulations 2017 <sup>F55</sup>;

(iii) the Water Supply (Water Quality) Regulations 2018 <sup>F56</sup>.”;

(b) in point (10), for the words from “colorants” to the end substitute “colours, as defined in entry 2 of Annex 1 to Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council on food additives <sup>F57</sup>”.

(20) In Annex 2—

(a) in category 1—

(i) in point (a)(ii) for “Annex III” substitute “Great Britain’s GIs Register”;

(ii) in point (f), for “in category 1 of Annex III” insert “for rum in Great Britain’s GIs Register”;

(b) in category 9, in point (f), in the first subparagraph omit the second sentence;

(c) in category 15, in point (d), for “13(2) of Directive [2000/13/EC](#)” substitute “13(1) of Regulation (EU) No 1169/2011”;

(d) in point (c) of each of categories 25, 26, 27, 28 and 29, for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “3(2)(c) and (d) of Regulation [\(EC\) No 1334/2008](#) <sup>F58</sup>”;

(e) in category 32, in point (d), in the first subparagraph, in the words before the first indent omit “produced in the Community”;

(f) in category 37, in point (c), for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “3(2)(c) and (d) of Regulation [\(EC\) No 1334/2008](#)”;

(g) in category 37a—

(i) in the second paragraph omit “Member State or third”;

- (ii) after the second paragraph insert—
 

“In the second paragraph, in relation to the United Kingdom, ‘country of the manufacture’ means the United Kingdom as a whole and does not mean England, Northern Ireland, Scotland or Wales individually.”;
  - (h) in point (c) of categories 42, 43, 45 and 46, for “1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC” substitute “3(2)(c) and (d) of Regulation (EC) No 1334/2008”;
  - (i) in the category headed “*Other spirit drinks*”—
    - (i) in the paragraph numbered 1 (*Rum-Verschnitt*), in the final sentence omit the words from “Where” to “market,”;
    - (ii) in the paragraph numbered 2 (*Slivovice*), in the third sentence omit the words from “If” to “Community,”.
- (21) Omit Annex 3.

- F43** [S.I. 1996/1502](#), amended by [S.I. 2011/1043](#) and, in relation to England, by [S.I. 2014/1855](#) and, prospectively on IP completion day, by [S.I. 2019/150](#), in relation to Scotland, by [S.S.I. 2014/312](#) and, prospectively on IP completion day, by [S.S.I. 2019/53](#) and, in relation to Wales, by [S.I. 2014/2303](#) (W. 227), 2018/806 (W. 162) and, prospectively on IP completion day, by [S.I. 2019/435](#) (W. 103).
- F44** OJ No. L 109, 6.5.2000, p. 29, repealed by Regulation (EU) No 1169/2011 of the European Parliament and of the Council (OJ No. L 304, 22.11.2011, p. 18).
- F45** EUR 2011/1169, prospectively amended on IP completion day by [S.I. 2019/529](#), 778, 2020/1501.
- F46** By derogation from Article 49(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) (which repealed Chapter 3 of Regulation (EC) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16) with effect from 8<sup>th</sup> June 2019), Article 49(2)(a) of Regulation (EU) 2019/787 of the European Parliament and of the Council made provision for Article 17(2) of Regulation (EC) No 110/2008 of the European Parliament and of the Council to continue to apply until 25th May 2021, with the consequence that the incorporation provision in section 3(1) of the European Union (Withdrawal) Act 2018 applies to Article 17(2) of Regulation (EC) No 110/2008 of the European Parliament and of the Council. Regulation 17(13) of this instrument omits that provision from Regulation (EC) No 110/2008 of the European Parliament and of the Council as incorporated into the domestic law of Great Britain.
- F47** By derogation from Article 49(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) (which repealed Chapter 3 of Regulation (EC) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16) with effect from 8<sup>th</sup> June 2019), Article 49(2)(b) of Regulation (EU) 2019/787 of the European Parliament and of the Council made provision for Article 20 of Regulation (EC) No 110/2008 of the European Parliament and of the Council to continue to apply for the period described in Article 49(2)(b) of Regulation (EU) 2019/787 of the European Parliament and of the Council, expiring no later than 25th May 2021, with the consequence that the incorporation provision in section 3(1) of the European Union (Withdrawal) Act 2018 applies to Article 20 of Regulation (EC) No 110/2008 of the European Parliament and of the Council. Regulation 17(13) of this instrument omits that provision from Regulation (EC) No 110/2008 of the European Parliament and of the Council as incorporated into the domestic law of Great Britain.
- F48** [S.I. 2007/2785](#), amended by [S.I. 2009/1598](#), 2010/433, 2011/451, 1043, 2014/1855, 2018/352, 2019/526, 1488 and prospectively on IP completion day by [S.I. 2019/150](#), 775, 778, 2020/1501.
- F49** [S.I. 2016/614](#), amended by [S.I. 2017/506](#), 2018/378, 706, 2019/526 and prospectively, on IP completion day, by [S.I. 2019/558](#).
- F50** [S.I. 2016/618](#), amended by [S.I. 2017/506](#), 2018/707 and prospectively on IP completion day by [S.I. 2019/558](#).
- F51** [S.S.I. 2007/483](#), amended by [S.S.I. 2009/273](#), 2010/89, 127, 2011/94, [S.I. 2011/1043](#), [S.S.I. 2014/312](#), 2015/100, 363, 2017/287.
- F52** [S.S.I. 2014/364](#); relevant amending instruments are [S.S.I. 2015/346](#), 2017/281.

- F53** [S.S.I. 2017/282](#), amended by [S.S.I. 2017/321](#).  
**F54** [S.I. 2015/1867](#) (W. 274), amended by [S.I. 2017/935](#) (W. 229).  
**F55** [S.I. 2017/1041](#) (W. 270); relevant amending instruments are [S.I. 2019/460](#) (W. 110) prospectively on IP completion day and [S.I. 2019/463](#) (W. 111).  
**F56** [S.I. 2018/647](#) (W. 121), amended by itself, by [S.I. 2019/460](#) (W. 110) prospectively on IP completion day and [S.I. 2019/463](#) (W. 111).  
**F57** EUR 2008/1333, to which there are amendments not relevant to these Regulations.  
**F58** EUR 2008/1334, to which there are amendments not relevant to these Regulations.

#### Commencement Information

- I17** Reg. 17 in force at 31.12.2020, see reg. 1(7)

### Regulation (EU) No 1151/2012 of the European Parliament and of the Council

**18.**—(1) Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended as follows.

- (2) In Article 1—
- (a) at the end of point (b) insert “ and ”;
  - (b) at the end of point (c) omit “and”;
  - (c) omit point (d).
- (3) In Article 2—
- (a) in paragraph 1, in the second subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
  - (b) in paragraph 2, for “Annex XIb to Regulation [\(EC\) No 1234/2007](#)<sup>F59</sup>” substitute “ Part 2 of Annex 7 to Regulation 1308/2013 ”;
  - (c) in paragraph 3—
    - (i) for “Union provisions” substitute “ provisions in retained EU law ”;
    - (ii) for “the single common organisation of the markets, and” substitute “ provisions in, or under, Regulation 1308/2013 and provisions relating ”;
  - (d) omit paragraph 4.
- (4) In Article 3—
- (a) in point (6), for “Union” substitute “ United Kingdom ”;
  - (b) after point (8) insert the points in Part 1 of Schedule 2.
- (5) After Article 3 insert the new Article 3a in Part 2 of Schedule 2.
- (6) In Article 4(b), for “the Union” substitute “ Great Britain ”.
- (7) In Article 5(4)—
- (a) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
  - (b) in the second subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.
- (8) In Article 7—
- (a) in paragraph 1(e) omit the words from “, taking” to the end of that point;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;

- (ii) in the second subparagraph—
    - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (bb) omit the second sentence.
- (9) In Article 8—
  - (a) in paragraph 1, in the words before point (a), for “49(2) or (5)” substitute “ 49 ”;
  - (b) omit paragraph 2.
- (10) Omit Article 9.
- (11) In Article 10—
  - (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;
  - (b) in paragraph 2, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(d), the grounds for opposition must be assessed in relation to the territory of the United Kingdom ”.
- (12) In Article 11—
  - (a) in paragraph 1, for the words from “Commission” to “maintaining” substitute “ Secretary of State must establish and maintain ”;
  - (b) in paragraph 2—
    - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
    - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
    - (iii) at the end insert—
 

“The entry in the register is to be treated as taking effect:

      - (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
      - (b) in any other case, immediately the entry is made.”;
  - (c) in paragraph 3—
    - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (ii) omit the second sentence;
  - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”.
- (13) In Article 12—
  - (a) in paragraph 2 omit “Union”;
  - (b) in paragraph 3—
    - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
    - (ii) after “that are marketed” insert “ in Great Britain ”;
    - (iii) for the words from “registered in” to “Regulation” substitute “ to which paragraph 3a applies ”;
    - (iv) omit “Union” in the second place it occurs;
  - (c) after paragraph 3 insert—



- “3a. This paragraph applies to:
- (a) an established protected designation of origin and an established protected geographical indication;
  - (b) a protected designation of origin and a protected geographical indication registered following a decision made by the Secretary of State under Article 52 in relation to an application made under Article 49(2).”;
  - (d) in paragraph 4, for the words from “Member State” to the end substitute “ United Kingdom or the third country, or region, as relevant, in which that geographical area of origin is located ”;
  - (e) in paragraph 5, for the words from “Directive 2000/13/EC” to “2008/95/EC<sup>F60</sup>” substitute “ Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, the collective geographical marks registered under the TMA ”;
  - (f) in paragraph 6—
    - (i) after “originating in” insert “ Northern Ireland or ”;
    - (ii) omit “Union”;
  - (g) in paragraph 7—
    - (i) in the first subparagraph—
      - (aa) for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
      - (bb) omit “Union”;
    - (ii) in the second subparagraph—
      - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
      - (bb) omit “Union”;
      - (cc) omit “, including rules concerning the appropriate linguistic versions to be used”;
      - (dd) omit the second sentence.
- (14) In Article 13(3)—
- (a) in the first subparagraph—
    - (i) for “Member States” substitute “ The designated authority ”;
    - (ii) for “that Member State” substitute “ Great Britain ”;
  - (b) omit the second subparagraph;
  - (c) in the third subparagraph, for “These authorities” substitute “ The designated authority ”.
- (15) In Article 14—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “Commission” substitute “ Secretary of State ”;
    - (ii) in the third subparagraph, for “Directive 2008/95/EC” substitute “ the TMA ”;
  - (b) in paragraph 2, in the first sentence—
    - (i) omit the words from “if” to “concerned”;
    - (ii) for “Union” substitute “ United Kingdom ”;

- (iii) for “Commission” substitute “ Secretary of State ”;
  - (iv) for the words from “under Council” to “2008/95/EC” substitute “ in, or under, the TMA ”.
- (16) After Article 14 insert the new Articles 14a and 14b in Part 3 of Schedule 2.
- (17) In Article 15—
- (a) in paragraph 1—
    - (i) in the first subparagraph, in the words before point (a)—
      - (aa) for the words from “Commission” to “years” substitute “ Secretary of State may, by regulations, make provision for a transitional period of up to five years to apply ”;
      - (bb) omit “originating in a Member State or a third country”;
      - (cc) for “on condition” substitute “ if the Secretary of State is satisfied ”;
      - (dd) omit “Article 49(3) or”;
    - (ii) omit the second subparagraph;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) in the words before point (a), for the words from “the Commission” to “shown” substitute “ an application may be made to the Secretary of State to extend the transitional period mentioned in paragraph 1 to 15 years in duly justified cases and the Secretary of State may, by regulations, make provision for such a transitional provision if the Secretary of State is satisfied ”;
      - (bb) in point (a), for “Commission” substitute “ Secretary of State ”;
    - (ii) omit the second subparagraph;
  - (c) in paragraph 4—
    - (i) in the first subparagraph—
      - (aa) for the words from “a Member State may” to “10 years” substitute “ nothing in this Regulation prevents the Secretary of State from using any power the Secretary of State has to make regulations to provide for a transitional period of up to 10 years to apply ”;
      - (bb) for “Commission” substitute “ Secretary of State ”;
      - (cc) omit “to the authorities of the Member State”;
      - (dd) omit “national”;
      - (ee) for “49(3)” substitute “ 51 ”;
    - (ii) in the third subparagraph, for “dossier referred to in Article 8(2)” substitute “ submitted under Article 8(1) ”.
- (18) In Article 16—
- (a) in paragraph 1—
    - (i) in the first sentence, for the words from the beginning to “entered in”, in the second place it occurs, substitute “ The Secretary of State must enter the names of established protected designations of origin and established protected geographical indications in ”;
    - (ii) after the first sentence insert—

“The entries are to be treated as taking effect on IP completion day.”.

- (iii) in the last sentence, after “such registrations” insert “ under EU Regulation 1151/2012<sup>F61</sup>, as they stood immediately before IP completion day, ”;
- (b) in paragraph 2, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
- (c) in paragraph 3—
  - (i) at the beginning insert “ In relation to established protected designations of origin and established protected geographical indications, ”;
  - (ii) after “Regulation (EC) No 510/2006<sup>F62</sup>” insert “ , as that Regulation had effect in Great Britain immediately before it was repealed by EU Regulation 1151/2012, ”;
- (d) after paragraph 3 insert—

“4. Article 12(3) (which requires that the symbol associated with the marketing in Great Britain of a product originating in Great Britain must appear on the labelling of certain products) is disapplied in respect of a product to which it would otherwise apply, for a period of three years, beginning with the day after the day on which IP completion day falls, on condition that the product concerned is marketed under an established protected designation of origin or an established protected geographical indication.

5. In paragraph 1, in relation to an established protected designation of origin and an established protected geographical indication, ‘corresponding specifications’ means the product specification for the relevant designation of origin or geographical indication as the specification stood immediately before IP completion day.”.

(19) In Article 18—

- (a) in paragraph 3 omit “Member State or in a third”;
- (b) in paragraph 4, for “Union legislation” substitute “ retained EU law ”;
- (c) in paragraph 5, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.

(20) In Article 19—

- (a) in paragraph 1(a) omit “, in the appropriate language versions”;
- (b) in paragraph 2—
  - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
  - (ii) in the second subparagraph—
    - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (bb) omit the second sentence.

(21) In Article 20—

- (a) in paragraph 1, in the words before point (a) omit “(2) or (5)”;
- (b) omit paragraph 2.

(22) In Article 21—

- (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;

- (b) in paragraph 2, for “the Union” substitute “ Great Britain ”.
- (23) In Article 22—
  - (a) in paragraph 1, for the words from “Commission” to “maintaining” substitute “ Secretary of State must establish and maintain ”;
  - (b) in paragraph 2—
    - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (ii) omit the second sentence.
- (24) In Article 23—
  - (a) in paragraph 2 omit “Union”;
  - (b) in paragraph 3—
    - (i) in the first subparagraph—
      - (aa) for “the Union” substitute “ Great Britain ”;
      - (bb) after “that are marketed” insert “ in Great Britain ”;
      - (cc) for the words from “that is” to “Regulation” substitute “ to which paragraph 3a applies ”;
    - (ii) in the second subparagraph, for “the Union” substitute “ Great Britain ”;
  - (c) after paragraph 3 insert—
    - “**3a.** This paragraph applies to:
      - (a) an established protected traditional speciality guaranteed;
      - (b) a traditional speciality guaranteed registered following a decision made by the Secretary of State under Article 52 in relation to an application made under Article 49(2).”;
  - (d) in paragraph 4—
    - (i) in the first subparagraph—
      - (aa) for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
      - (bb) omit “Union”;
    - (ii) in the second subparagraph—
      - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
      - (bb) omit “Union”;
      - (cc) omit the words from “, including” to the end.
- (25) In Article 24—
  - (a) in paragraph 2—
    - (i) for “Member States” substitute “ The designated authority ”;
    - (ii) for “at national level” substitute “ in Great Britain ”;
  - (b) in paragraph 3—
    - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (ii) omit the second sentence.

(26) In Article 25—

(a) in paragraph 1—

(i) in the first sentence, for the words from the beginning to “entered in” substitute “ The Secretary of State must enter the names of established protected traditional specialities guaranteed in ”;

(ii) after the first sentence insert—

“The entries are to be treated as taking effect on IP completion day.”;

(iii) in the last sentence, after “such registrations” insert “ under EU Regulation 1151/2012 as it had effect in Great Britain immediately before IP completion day ”;

(b) in paragraph 2—

(i) for the words from the beginning to “Regulation,” substitute “ An unreserved TSG name ”;

(ii) omit the words from “unless” to the end;

(iii) insert as the second and third subparagraphs—

“When the Secretary of State records an entry relating to the name on Great Britain's TSGs Register under paragraph 1, the Secretary of State must include a statement that the name may continue to be used as a traditional speciality guaranteed until 4 January 2023.

The Secretary of State must remove the entry relating to the name from Great Britain's TSGs Register on, or as soon as possible after, 4 January 2023, unless the second subparagraph of paragraph 2a applies to the entry relating to that name in the meantime.”;

(c) after paragraph 2 insert—

“**2a.** An application to register an unreserved TSG name may be made to the Secretary of State under Article 49 of this Regulation.

If successful, the entry for the name in Great Britain's TSGs Register must be adjusted, as appropriate, and, following that adjustment, the entry in Great Britain's TSGs Register for that name applies without any time restriction.”;

(d) in paragraph 3—

(i) for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;

(ii) at the end insert “ relating to the entries to be made in the register referred to in Article 22 under paragraph 1 ”;

(e) after paragraph 3 insert—

“**4.** Article 23(3) (which requires that the symbol associated with the marketing in Great Britain of a product originating in Great Britain must appear on the labelling of certain products) is disapplied in respect of a product to which it would otherwise apply, for a period of three years, beginning with the day after the day on which IP completion day falls, if the product concerned is marketed under an established protected traditional speciality guaranteed.

**5.** In this Article—

- (a) in relation to an established protected traditional speciality guaranteed, ‘corresponding specifications’ means the product specification for the relevant traditional speciality guaranteed as the specification stood immediately before IP completion day;
  - (b) ‘the European Commission's TSGs Register’ means the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012;
  - (c) ‘an unreserved TSG name’ means the name of a traditional speciality guaranteed that was registered on the European Commission's TSGs Register in accordance with the requirements laid down in Article 13(1) of Regulation (EC) No 509/2006, including a name registered pursuant to an application referred to in the second subparagraph of Article 58(1) of EU Regulation 1151/2012, before IP completion day, but does not include a name for which:
    - (i) a successful application was made to the European Commission under Article 26 of EU Regulation 1151/2012 before IP completion day, and
    - (ii) any necessary adjustment has been made to the entry for that name on the European Commission's TSGs Register pursuant to Article 26(4) of EU Regulation 1151/2012 before IP completion day.”.
- (27) Omit Article 26.
- (28) In Article 27, for “the internal market” substitute “ Great Britain ”.
- (29) For Article 28 substitute—

*“Article 28*

*Existing enactments*

1. Nothing in this Regulation prevents the maintenance of any enactment in domestic legislation on optional quality terms that is not covered by this Regulation and is in force immediately before IP completion day, provided that the enactment is not contrary to retained EU law.

2. In paragraph 1:

- (a) ‘enactment in domestic legislation’ means an enactment contained in:
  - (i) an Act or in an Order in Council, order, rules, regulations or other instrument made under an Act;
  - (ii) an Act of the Scottish Parliament or in an instrument made under an Act of the Scottish Parliament;
  - (iii) a Measure or Act of Senedd Cymru or in an instrument made under a Measure or Act of Senedd Cymru;
- (b) ‘maintenance’ includes repeal and replacement, and revocation and replacement, without, in both cases, any substantive modification of the provisions describing and regulating the use of the relevant optional quality term.

3. A modification of provisions relating to the enforcement of an enactment in domestic legislation on optional quality terms is not to be regarded as a modification of the enactment in domestic legislation on optional quality terms.”.

(30) In Article 29—

- (a) in paragraph 1(c), for “European” substitute “ Great British ”;
  - (b) in paragraph 4, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
  - (c) in paragraph 5—
    - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (ii) omit the second sentence;
  - (d) in paragraph 6—
    - (i) for “adopting delegated and implementing acts” substitute “ making regulations ”;
    - (ii) for “Commission” substitute “ Secretary of State ”.
- (31) In Article 30—
- (a) in paragraph 1, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
  - (b) in paragraph 2, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.
- (32) In Article 31—
- (a) in paragraph 2—
    - (i) in the first sentence—
      - (aa) for “the Union” substitute “ Great Britain ”;
      - (bb) for “Article 18(1) of Regulation (EC) No 1257/1999<sup>F63</sup>”, in the first place it occurs, substitute “ Article 32(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) <sup>F64</sup> ”;
    - (ii) in the second sentence—
      - (aa) after “For” insert “ Northern Ireland and ”;
      - (bb) after “the” insert “ authorities in Northern Ireland or the relevant ”;
      - (cc) for “Article 18(1) of Regulation (EC) No 1257/1999”, in the second place it occurs, substitute “ Article 32(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ”;
  - (b) in paragraph 3—
    - (i) for the words from “Commission”, in the first place it occurs, to “56,” substitute “ Secretary of State may make regulations ”;
    - (ii) for the words from “Commission”, in the second place it occurs, to “act” substitute “ Secretary of State may make regulations ”;
  - (c) in paragraph 4, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.
- (33) Omit Article 32.
- (34) In Article 33(2)—
- (a) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
  - (b) omit the second sentence.
- (35) In Article 34, for “Member States” substitute “ The designated authority ”.
- (36) In Article 37—

- (a) in paragraph 1, in the second subparagraph, for “The Member States may also contribute” substitute “Nothing in this Regulation prevents the Secretary of State from contributing”;
  - (b) in paragraph 2—
    - (i) in the words before point (a), after “originating in” insert “ Northern Ireland or ”;
    - (ii) in point (a), after “by the” insert “ authorities in Northern Ireland or the relevant ”;
  - (c) in paragraph 3—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) at the end insert “ , in such manner as appears appropriate to the Secretary of State from time to time ”;
  - (d) omit paragraph 4.
- (37) In Article 39—
- (a) in the heading, after “in” insert “ Northern Ireland and ”;
  - (b) in the paragraph, after “controls in” insert “ Northern Ireland or ”.
- (38) In Article 40—
- (a) in paragraph 1—
    - (i) for “Member States” substitute “ The Secretary of State ”;
    - (ii) for the words from “41” to the end substitute “ 109(1), 110(2) and 111(2) of Regulation (EU) 2017/625 ”;
  - (b) in paragraph 2, for “44 of Regulation (EC) No 882/2004<sup>F65</sup>” substitute “ 113(1) of Regulation (EU) 2017/625 ”.
- (39) In Article 41—
- (a) in paragraph 1—
    - (i) after “use” insert “ in Great Britain ”;
    - (ii) for “Union” substitute “ United Kingdom ”;
  - (b) in paragraph 2(b) omit “national or Union”;
  - (c) in paragraph 3, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
  - (d) after paragraph 3 insert—

“4. In this Article, ‘legal acts’ means legislation of the following kind whenever passed, made or adopted:

- (a) an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- (c) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (d) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru;
- (e) retained direct EU legislation.”.



(40) In Article 42(2), for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.

(41) In Article 43—

- (a) for “Union rules or to those of Member States” substitute “ retained EU law and any other enactments ”;
- (b) for “those rules” substitute “ that law and those enactments ”.

(42) In Article 44—

- (a) omit paragraph 2;
- (b) in paragraph 3—
  - (i) for “Commission shall adopt implementing acts” substitute “ Secretary of State may make regulations ”;
  - (ii) omit the second sentence.

(43) In Article 45—

- (a) in paragraph 1—
  - (i) in the words before point (a), for “Regulation (EC) No 1234/2007” substitute “ Regulation 1308/2013 ”;
  - (ii) in point (a), for the words from “competent authorities” to “other competent” substitute “ the competent authority or any designated ”;
- (b) in paragraph 2—
  - (i) for “Member States”, in the first place it occurs, substitute “ The Secretary of State ”;
  - (ii) for “on their territories” substitute “ in Great Britain ”;
  - (iii) for the second and third sentences substitute—

“The Secretary of State must publish the names and addresses of the groups referred to in Article 3(2) in such manner as appears appropriate to the Secretary of State from time to time.”;
- (c) after paragraph 2 insert—

“3. In this Article, ‘the competent authority’ means the person specified in regulation 3(1) of the Quality Schemes Regulations.”.

(44) In Article 46—

- (a) in paragraph 1, for “Member States” substitute “ The Secretary of State ”;
- (b) in paragraph 3, for “Member States” substitute “ The Secretary of State ”.

(45) In Article 47—

- (a) for “(EC) No 882/2004” substitute “ (EU) 2017/625 ”;
- (b) for “Member States may charge” substitute “ nothing in this Regulation prevents the Secretary of State from charging ”.

(46) In Article 49—

- (a) in paragraph 1, in the first subparagraph omit “Member States or third”;
- (b) in paragraph 2—
  - (i) in the first sub-paragraph—
    - (aa) for “a Member State”, in both places it occurs, substitute “ the United Kingdom ”;

- (bb) for “addressed to the authorities of that Member State” substitute “ lodged with the Secretary of State ”;
    - (ii) omit the second sub-paragraph;
  - (c) omit paragraphs 3 and 4;
  - (d) in paragraph 5, for “Commission,” substitute “ Secretary of State ”;
  - (e) in paragraph 6, for “Commission” substitute “ Secretary of State ”;
  - (f) in paragraph 7—
    - (i) omit the first subparagraph;
    - (ii) in the second subparagraph—
      - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
      - (bb) omit the second sentence;
  - (g) after paragraph 7 insert—
 

“8. In relation to the reference to “different countries” in paragraph 1, the United Kingdom is to be regarded as being one country.”.
- (47) In Article 50—
- (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
      - (bb) for “that it receives” substitute “ received ”;
    - (ii) in the second subparagraph—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) after “public” insert “ , in such manner as appears appropriate to the Secretary of State from time to time, ”;
      - (cc) for “it” substitute “ the Secretary of State ”;
  - (c) in paragraph 2—
    - (i) in the words before point (a)—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “it” substitute “ the Secretary of State ”;
      - (cc) for “the *Official Journal of the European Union*” substitute “ such manner as appears appropriate to the Secretary of State from time to time ”;
    - (ii) in point (a) omit “the reference to the publication of the”.
- (48) In Article 51—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “in the *Official Journal of the European Union*” substitute “ of the documents published under Article 50(2) ”;
      - (bb) omit “of a Member State or”;
      - (cc) omit “and established in a third country”;

- (dd) for “Commission” substitute “ Secretary of State ”;
    - (ii) omit the second subparagraph;
    - (iii) in the last subparagraph, for “Commission” substitute “ Secretary of State ”;
  - (b) in paragraph 2, for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
  - (c) in paragraph 3, in the first, second and third subparagraphs, for “Commission”, in each place it occurs, substitute “ Secretary of State ”;
  - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”;
  - (e) in paragraph 5, for “Commission” substitute “ Secretary of State ”;
  - (f) in paragraph 6—
    - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
    - (ii) in the second subparagraph—
      - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
      - (bb) omit the second sentence.
- (49) In Article 52—
- (a) in paragraph 1—
    - (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
    - (ii) for “it shall adopt implementing acts rejecting” substitute “ the Secretary of State must reject ”;
    - (iii) omit the second sentence;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for the words from “it” to “registering” substitute “ the Secretary of State must register ”;
  - (c) in paragraph 3—
    - (i) in the words before point (a)—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “it” substitute “ the Secretary of State ”;
    - (ii) in point (a) omit the words from “by means” to “substantial”;
    - (iii) in point (b), for the words from “adopt” to the end substitute “ decide whether to register the name ”;
  - (d) for paragraph 4 substitute—

“4. After making a decision under this Article, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
  - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
  - (ii) providing information about the right to appeal under Article 54a against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved product specification.

5. An implementing act to which paragraph 6 applies is revoked.

6. This paragraph applies to an implementing act adopted by the European Commission under Article 52 of EU Regulation 1151/2012 and incorporated into domestic law by section 3(1) of the EUWA.”.

(50) After Article 52 insert the new Article 52a in Part 4 of Schedule 2.

(51) In Article 53—

(a) in paragraph 2, in the second subparagraph—

- (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
- (ii) for “the *Official Journal of the European Union*” substitute “ such manner as appears appropriate to the Secretary of State from time to time ”;

(b) in paragraph 3—

- (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;

(ii) in the second subparagraph—

- (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
- (bb) omit the second sentence;

(c) after paragraph 3 insert—

“4. An implementing act to which paragraph 5 applies is revoked.

5. This paragraph applies to an implementing act:

- (a) concerning a decision of the European Commission relating to an application to amend a product specification for a designation of origin, geographical indication or traditional speciality guaranteed protected in the European Union at the time the application was submitted,
- (b) adopted by the European Commission pursuant to Article 53(2) of EU Regulation 1151/2012 following the appropriate procedure referred to in that paragraph, and
- (c) incorporated into domestic law by section 3(1) of the EUWA.”.

(52) In Article 54—

(a) in paragraph 1—

(i) in the first subparagraph, in the words before point (a)—

- (aa) for “Commission” substitute “ Secretary of State ”;
- (bb) for “its” substitute “the Secretary of State's”;
- (cc) for “adopt implementing acts to” substitute “ decide to ”;

(ii) in the second subparagraph, for “Commission” substitute “ Secretary of State ”;

(iii) omit the third subparagraph;

(b) in paragraph 2—

- (i) in the first subparagraph, for the words from “Commission” to “56” substitute “Secretary of State may make regulations”;
- (ii) in the second subparagraph—
  - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
  - (bb) omit the second sentence;
- (c) after paragraph 2 insert—

“3. An implementing act to which paragraph 4 applies is revoked.

4. This paragraph applies to an implementing act adopted by the European Commission under Article 54(1) of EU Regulation 1151/2012 and incorporated into domestic law by section 3(1) of the EUWA.”.

- (53) After Title 5 insert the new Title 5A in Part 5 of Schedule 2.
- (54) In Title 6 omit Chapter 1.
- (55) For Article 56 substitute the Article in Part 6 of Schedule 2.
- (56) Omit Article 57.
- (57) In Article 58(1) omit the second subparagraph.
- (58) In Article 59 omit the second paragraph.
- (59) After Article 59 omit the words from “This Regulation” to “States.”.
- (60) After Annex 1 insert the new Annexes 1A and 1B in Part 7 of Schedule 2.

- F59** OJ No. L 299, 16.11.2007, p. 1, repealed by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 671).
- F60** OJ No. L 299, 8.11.2008, p. 25, repealed by Directive (EU) 2015/2436 of the European Parliament and of the Council (OJ No. L 336, 23.12.2015, p. 1).
- F61** See the footnote for the reference to Regulation (EU) No 1151/2012 in the definition being substituted in [S.I. 2018/1275](#) by regulation 2(2).
- F62** OJ No. L 93, 31.3.2006, p. 12, repealed by Regulation (EU) No 1151/2012 of the European Parliament and of the Council (OJ No. L 343, 14.12.2012, p. 1). Last amended before its repeal by Commission Regulation (EC) No 1326/2008 (OJ No. L 345, 23.12.2008, p. 20).
- F63** OJ No. L 160, 26.6.1999, p. 80, repealed by Council Regulation (EC) No 1698/2005 (OJ No. L 277, 21.10.2005, p. 1).
- F64** EUR 2013/1305, amended by [S.I. 2019/764](#); there are other amending instruments but none is relevant. No areas in the United Kingdom were designated as mountain areas before IP completion day under Article 32(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ No. L 347, 20.12.2013, p. 487).
- F65** OJ No. L 165, 30.4.2004, p. 1, repealed by Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ No. L 95, 7.4.2017, p. 1).

#### Commencement Information

- I18** Reg. 18 in force at 31.12.2020, see reg. 1(7)

### Commission Implementing Regulation (EU) No 716/2013

19. In Commission Implementing Regulation (EU) No 716/2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks <sup>F66</sup>, after Article 23 omit the words from “This Regulation” to “States.”.

**F66** EUR 2013/716; prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 19 of this instrument.

#### Commencement Information

**I19** Reg. 19 in force at 31.12.2020, see reg. 1(7)

### Regulation (EU) No 1308/2013 of the European Parliament and of the Council

20.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products is amended as follows.

(2) In Article 93, after paragraph 1 insert—

“1a. For the purpose of [<sup>F67</sup>Articles 102a, 102c and 102d] and Annex 9A:

[<sup>F68</sup>(za) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA <sup>F69</sup>;]

(a) ‘an Article 99 approval notice’ means a notice published under Article 99(3) relating to a decision of the Secretary of State to approve an application to register a designation of origin or geographical indication;

[<sup>F70</sup>(aa) ‘bridging arrangements’ has the meaning given in Article 102c(2)(b);]

(b) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

(c) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a designation of origin or geographical indication of the third country in the European Union;

(d) ‘EU Regulation 1308/2013’ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products <sup>F71</sup> as it had effect before IP completion day;

(e) ‘Great Britain's PDOs and PGIs Register’ means the register established and maintained by the Secretary of State under Article 104;

(f) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;

[<sup>F72</sup>(fa) ‘third country’ means—

(i) for the purposes of the definition of ‘EUIA’ in paragraph 1a(c), Article 102c and Annex 9A (other than the reference in paragraph (ii)), any country other than—

- (aa) any part of the British Islands, or
- (bb) any member State;
- (ii) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 9A, any country other than any part of the British Islands;
- (iii) for all other purposes, any country other than the United Kingdom, and includes:
  - (aa) the Bailiwick of Guernsey;
  - (bb) the Bailiwick of Jersey;
  - (cc) the Isle of Man;
- (g) ‘the TMA’ means the Trade Marks Act 1994 <sup>F73</sup>;
- (h) ‘the Types Table’ means the table in Part 3 of Annex 9A.

<sup>F74</sup>**1b.** .....”.

- (3) After Article 93 insert the new Article 93a in Part 1 of Schedule 3.
- (4) After Article 102 insert the new Articles 102a and 102b in Part 2 of Schedule 3.
- (5) After Annex 9 insert the new Annex 9A in Part 3 of Schedule 3.

- F67** Words in reg. 20(2) substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(a)(i)**
- F68** Words in reg. 20(2) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(a)(ii)**
- F69** “The TMA” is defined in Article 93(1a)(g).
- F70** Words in reg. 20(2) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(a)(iii)**
- F71** OJ No. L 347, 20.12.2013, p. 671, to which there are amendments not relevant to this instrument.
- F72** Words in reg. 20(2) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(a)(iv)**
- F73** 1994 c. 26. Section 49(1) was substituted by [S.I. 2018/825](#). Section 50(1) was amended by [S.I. 2018/825](#). Section 75 was amended by the [Crime and Courts Act 2013 \(c. 22\)](#), [Schedule 9](#), paragraph 134, [S.I. 2005/587](#). Section 76(6) was inserted by [S.I. 2005/587](#). Schedule 2A is prospectively inserted in the Trade Marks Act 1994 on IP completion day by [S.I. 2019/269](#). Schedule 2B is prospectively inserted in the Trade Marks Act 1994 on IP completion day by [S.I. 2019/638](#).
- F74** Words in reg. 20(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(b)**

#### Commencement Information

- I20** Reg. 20 in force at 31.12.2020, see reg. 1(7)

## **Regulation (EU) No 251/2014 of the European Parliament and of the Council**

**21.—**(1) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products is amended as follows.

(2) In Article 1(3)—

- (a) for “the Union”, in both places it occurs, substitute “ Great Britain ”;
- (b) for “the Member States” substitute “ Great Britain, in Northern Ireland ”.

(3) In Article 2, after point (3) insert the new points (4) to (19) in Part 1 of Schedule 4.

(4) In Article 4—

(a) in paragraph 2—

- (i) in the first subparagraph, for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
- (ii) in the second subparagraph, for “Commission” substitute “ Secretary of State ”;

(b) in paragraph 3—

(i) in the first subparagraph—

- (aa) for the words from “Commission” to “acts,” substitute “ Secretary of State may, by regulations, specify the ”;
- (bb) omit the third sentence;

(ii) omit the second subparagraph.

(5) In Article 5(1), for “the Union” substitute “ Great Britain ”.

(6) In Article 7 omit “Member State or third”.

(7) Omit Article 9.

(8) In Chapter 3 insert, as the first Article in that Chapter, the new Article 9a in Part 2 of Schedule 4.

(9) In Article 10—

(a) in paragraph 2(f)—

- (i) omit the words from “laid down” to “indication”;
- (ii) for “Union”, in the second place it occurs, substitute “ retained EU ”;

(b) after paragraph 2 insert—

**“3. In this Article:**

(a) ‘the applicable requirements’ means:

- (i) where the geographical area concerned is located in, or partly in, Great Britain, provisions in any enactment regulating the use of the geographical indication in Great Britain;
- (ii) where the geographical area concerned is located in, or partly in, Northern Ireland, requirements laid down in law regulating the use of the geographical indication in Northern Ireland, including, so far as it applies to Northern Ireland, any legislation that forms part of domestic law of Northern Ireland by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- (iii) where the geographical area concerned is located in, or partly in, a third country:



- (aa) requirements laid down in law regulating the use of the geographical indication in the third country in which the relevant geographical area is located or partly located, and
  - (bb) where they must be complied with in the third country in which the relevant geographical area is located, or partly located, provisions laid down by an organisation that manages the geographical indication regulating the use of the geographical indication in that country;
- (b) ‘enactment’ means the following legislation whenever passed or made:
- (i) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
  - (ii) retained direct EU legislation, except to the extent that it extends to Northern Ireland;
  - (iii) an Act of the Scottish Parliament, and an enactment contained in an instrument made under an Act of the Scottish Parliament;
  - (iv) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.
- (10) In Article 11(2), for “Commission” substitute “ Secretary of State ”.
- (11) Omit Article 13.
- (12) Before Article 14 insert—

*“Article 13a*

*Application for protection relating to a geographical area in the United Kingdom*

An application for the protection of a geographical indication for an aromatised wine product originating in the United Kingdom must be submitted to the Secretary of State.”.

- (13) In Article 14—
- (a) in the heading, for “Commission” substitute “ Secretary of State ”;
  - (b) in paragraph 1, for “Commission” substitute “ Secretary of State ”;
  - (c) in paragraph 2—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for “referred to in Article 13(5)” substitute “ submitted to the Secretary of State ”;
  - (d) in paragraph 3—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for the words from “it” to the end substitute “ the Secretary of State must publish the product specification referred to in Article 10(1)(c), and the single document referred to in Article 10(1)(d), in such manner as appears appropriate to the Secretary of State from time to time ”;
  - (e) in paragraph 4—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for the words from “it” to “decide to” substitute “ the Secretary of State must ”;
    - (iii) for the second sentence substitute—

“After making a decision to reject the application, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

- (a) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 25a against that decision and the period within which an appeal may be made.”.

(14) In Article 15, in the first paragraph—

- (a) for the words from “Member State or” to “or in” substitute “ natural or legal person with a legitimate interest, or the authorities of”;
- (b) for “Commission” substitute “ Secretary of State ”.

(15) In Article 16—

- (a) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
- (b) omit “, by means of implementing acts,”;
- (c) for “Union law” substitute “ retained EU law by approving the application ”;
- (d) omit the second sentence;
- (e) after the existing paragraph insert—

“After making a decision under the first paragraph, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
  - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
  - (ii) providing information about the right to appeal under Article 25a against that decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved product specification.”.

(16) In Article 18—

- (a) in paragraph 1—
  - (i) in the second subparagraph, for “Union” substitute “ United Kingdom ”;
  - (ii) in the third subparagraph—
    - (aa) in point (a), for “Union” substitute “ United Kingdom ”;
    - (bb) in point (b) omit “Union or national”;
- (b) after paragraph 2 insert—

“**3.** In this Article, ‘the relevant law’ means the following legislation whenever passed or made:

- (a) an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) retained direct EU legislation;
- (c) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

- (d) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
    - (e) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.
  - (17) In Article 19—
    - (a) in paragraph 1, in the first subparagraph, for “Commission” substitute “ Secretary of State ”;
    - (b) in paragraph 2, in the first subparagraph—
      - (i) for the words from “if” to “Union” substitute “ in the United Kingdom ”;
      - (ii) for “Commission” substitute “ Secretary of State ”;
      - (iii) for the words from “by the Directive” to the end substitute “ in, or under, the TMA ”.
  - (18) After Article 19 insert the new Articles 19a and 19b in Part 3 of Schedule 4.
  - (19) In Article 20—
    - (a) in paragraph 3, for “the Union” substitute “ Great Britain ”;
    - (b) omit paragraph 4.
  - (20) In Article 21—
    - (a) number the first paragraph as paragraph 1;
    - (b) number the second paragraph as paragraph 11;
    - (c) in paragraph 1 (as numbered by sub-paragraph (a)), for the words from “Commission” to “34(2),” substitute “ Secretary of State must ”;
    - (d) after paragraph 1 (as numbered by sub-paragraph (a)) insert the new paragraphs numbered 2 to 10 in Part 4 of Schedule 4;
    - (e) in paragraph 11 (as numbered by sub-paragraph (b))—
      - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
      - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
      - (iii) for “the first paragraph” substitute “ paragraph 1 ”;
    - (f) after paragraph 11 (as numbered by sub-paragraph (b)) insert—
- “**12.** An entry recorded on the register pursuant to paragraph 11 comes into force (and confers the protection provided by Article 20):
- (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is recorded on the register as established during that period, on IP completion day;
  - (b) in any other case, immediately the entry is recorded on the register.
- 13.** In this Article:
- (a) ‘decision notice’:
    - (i) in paragraph 2 means a notice published under the second paragraph of Article 16;

- (ii) in paragraphs 4 and 6 means a notice published under the second paragraph of Article 16 as it applies to an application for an amendment to a product specification that is not minor by virtue of Article 24(2);
- (iii) in paragraph 8 means a notice published under Article 24(3);
- (iv) in paragraph 10 means a notice published under the second paragraph of Article 16 as it applies to cancellations by virtue of the second paragraph of Article 25;
- (b) in relation to a notice referred to in this Article, ‘notice period’ means the period of 20 days from the day on which the relevant notice is published by the Secretary of State, beginning with the day on which the notice is published.

**14.** In this Article a reference to ‘the information recorded in the register pursuant to paragraph 2’ means the information recorded in the register pursuant to paragraph 2 or, where that information has been amended, that information as amended from time to time.”.

(21) Omit Article 22.

(22) In Article 23(1)—

(a) in paragraph 1, in the first subparagraph—

- (i) in the words before point (a), for “the Union” substitute “ Great Britain ”;
- (ii) in point (a), for “or authorities referred to in Article 22” substitute “ designated by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain ”;
- (iii) in point (b)—

(aa) for “control” substitute “ delegated ”;

(bb) for the words from “the second” to “882/2004” substitute “ Article 2 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ”;

(b) after paragraph 1 insert—

“**1a.** In respect of geographical indications protected under this Regulation relating to a geographical area in Northern Ireland, annual verification of compliance with the product specification, during the production and during or after conditioning of the aromatised wine product, must be ensured by:

- (a) the Secretary of State, or
- (b) one or more certification bodies.”;

(c) in paragraph 3, after “paragraph 1” insert “ , point (b) of paragraph 1a ”;

(d) in paragraph 4, after “paragraph 1” insert “ , point (b) of paragraph 1a ”.

(23) In Article 24—

(a) in paragraph 1, after “may apply” insert “ to the Secretary of State ”;

(b) in paragraph 2—

(i) for “13” substitute “ 14 ”;

(ii) for “Commission shall, by means of implementing acts,” substitute “ Secretary of State must ”;

- (iii) omit the words from “and in” to the end;
- (c) after paragraph 2 insert—
  - “3. The Secretary of State, after making a decision in relation to an application for a proposed amendment that is minor, must publish in such manner as appears appropriate to the Secretary of State from time to time:
    - (a) a notice:
      - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
      - (ii) providing information about the right to appeal under Article 25a against that decision and the period within which an appeal may be made, and
    - (b) where the application is approved, a copy of the approved amended product specification for the geographical indication.”.
- (24) In Article 25—
  - (a) in the first paragraph—
    - (i) for “Commission may, on its” substitute “Secretary of State may, on the Secretary of State's”;
    - (ii) omit “a Member State, of”;
    - (iii) omit “, by means of implementing acts,”;
    - (iv) omit the second sentence;
  - (b) in the second paragraph, for “13” substitute “ 14 ”.
- (25) After Article 25 insert the new Articles 25a and 25b in Part 5 of Schedule 4.
- (26) In Article 26—
  - (a) in the heading, for “**Existing**” substitute “ **Established** ”;
  - (b) in paragraph 1—
    - (i) at the beginning insert “ Established protected ”;
    - (ii) omit the words from “listed” to “2014,”;
    - (iii) for the words from “Commission” to “34(2) of this Regulation” substitute “ Secretary of State must ”;
    - (iv) at the end insert as the last sentence—

“The entries made to the register are to be treated as taking effect on IP completion day.”;
  - (c) omit paragraphs 2 to 4.
- (27) Omit Article 27.
- (28) In Article 28—
  - (a) for the heading substitute— “ Article 28 Power to make regulations ”;
  - (b) in paragraph 1, in the words before point (a), for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
  - (c) in paragraph 2, for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
  - (d) in paragraph 3—

- (i) in the words before point (a), for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
- (ii) in point (c), for “Commission” substitute “ Secretary of State ”;
- (iii) after point (f) insert—
  - “(fa) amend Article 21(3) as regards the date from which protection runs;”;
- (iv) after point (h) insert—
  - “(ha) amend Article 21(5), (7) or (9) as regards the date on which an amendment enters into force;”;
- (e) in paragraph 4, for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”.
- (29) In Article 29—
  - (a) for the heading substitute— “ Article 29 Further power to make regulations ”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) in the words before point (a), for the words from “Commission” to “measures” substitute “ Secretary of State may make regulations ”;
      - (bb) in point (d), for “Member States” substitute “ authorities specified in those regulations ”;
    - (ii) omit the second subparagraph;
  - (c) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for the words from “Commission” to “adopt” substitute “ Secretary of State may, by regulations, make provision for ”;
      - (bb) for “, cancellation, or conversion” substitute “ or cancellation ”;
      - (cc) for “existing” substitute “ established ”;
    - (ii) omit the second subparagraph.
- (30) In Article 30, for the words from “Commission” to “decide to” substitute “ Secretary of State must ”.
- (31) In Article 31—
  - (a) omit paragraph 1;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for the words from “Commission” to “rules” substitute “ Secretary of State may make regulations ”;
      - (bb) omit “by the Member States”;
      - (cc) after “application of” insert “ Chapter 2 of ”;
    - (ii) omit the second subparagraph;
    - (iii) insert as the last subparagraph—
 

“The Secretary of State may make regulations concerning the administrative and physical checks to be conducted with regard to the respect of obligations resulting from the application of Chapter 3 of this Regulation.”.
- (32) In Article 32—

- (a) in paragraph 1—
  - (i) for “Member States and the Commission” substitute “ The specified authorities in Great Britain ”;
  - (ii) after “authorities of” insert “ Northern Ireland and ”;
- (b) in paragraph 2, in the words before point (a), for the words from “Commission” to “lay” substitute “ Secretary of State may make regulations laying ”;
- (c) in paragraph 3—
  - (i) in the first subparagraph—
    - (aa) for the words before point (a) substitute—  
“The Secretary of State may, by regulations, make”;
    - (bb) in point (c), for “Member States, the competent authorities” substitute “ specified authorities in Great Britain, authorities in Northern Ireland and ”;
  - (ii) omit the second subparagraph;
- (d) after paragraph 3 insert—  
  
“4. The specified authorities in Great Britain for the purpose of this article are:
  - (a) in relation to England, the Secretary of State;
  - (b) in relation to Scotland, the Scottish Ministers;
  - (c) in relation to Wales, the Welsh Ministers.”.
- (33) For Article 33 substitute the new Article 33 in Part 6 of Schedule 4.
- (34) Omit Article 34.
- (35) In Article 36—
  - (a) omit paragraph 1;
  - (b) in paragraph 2—
    - (i) for “have been” substitute “ were ”;
    - (ii) after “1601/91 <sup>F75</sup>” insert “ as it had effect in Great Britain immediately ”;
  - (c) in paragraph 3—
    - (i) omit “and Article 9” in both places it occurs;
    - (ii) for “have been” substitute “ were ”;
    - (iii) after “1601/91” insert “ , as that Regulation had effect in Great Britain immediately before it was repealed, ”.
- (36) In Article 37 omit the second paragraph.
- (37) After Article 37 omit the words from “This Regulation” to “States.”.
- (38) In Annex 1, in point (5)—
  - (a) in the second subparagraph, for the words from “Directive [2009/54/EC<sup>F76</sup>](#)” to “Directive [98/83/EC<sup>F77</sup>](#)” substitute “ any relevant water quality legislation ”;
  - (b) after the third subparagraph insert the new subparagraph in Part 7 of Schedule 4.
- (39) In Annex 2, in Part B—
  - (a) in point (3), in the second paragraph—
    - (i) for “other Member States” substitute “ another country ”;

- (ii) for “Member State” substitute “ country ”;
- (b) in point (4), in the second paragraph—
  - (i) for “other Member States” substitute “ another country ”;
  - (ii) for “Member State” substitute “ country ”;
- (c) in point (13), in the second paragraph—
  - (i) for “other Member States” substitute “ another country ”;
  - (ii) for “Member State” substitute “ country ”.
- (40) After Annex 2 insert the new Annexes 2A and 2B in Part 8 of Schedule 4.

**F75** This is a reference to Council Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (OJ No. L 149, 14.6.1991, p. 1), as last amended (before its repeal) by Regulation (EC) No 1334/2008 of the European Parliament and of the Council (OJ No. L 354, 31.12.2008, p. 34). It was repealed by Regulation (EU) No 251/2014 of the European Parliament and of the Council (OJ No. L 84, 20.3.2014, p. 14).

**F76** OJ No. L 164, 26.6.2009, p. 45.

**F77** OJ No. L 330, 5.12.1998, p. 32, last amended by Commission Directive (EU) 2015/1787 (OJ No. L 260, 7.10.2015, p. 6).

#### Commencement Information

**I21** Reg. 21 in force at 31.12.2020, see reg. 1(7)

### Commission Delegated Regulation (EU) No 664/2014

**22.**—(1) Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules is amended as follows.

(2) Before Article 1 insert—

#### *“Article 1*

#### *Definition of ‘third country’*

In this Regulation ‘third country’ means any country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.
- (3) In Article 2—
  - (a) for the heading substitute— “ Article 2 Symbols ”;
  - (b) omit “Union”;
  - (c) after the existing paragraph insert—

“In Part A of the table in the Annex:

- (a) the symbol which is designed to publicise protected designations of origin for products marketed under that designation is established as it appears in the first column of that table;



- (b) the symbol which is designed to publicise protected geographical indications for products marketed under that designation is established as it appears in the second column of that table;
- (c) the symbol which is designed to publicise traditional specialities guaranteed for products marketed under that designation is established as it appears in the third column of that table.

In Part B of the table in the Annex, each of the symbols which appears in Part A of that table is set out in the corresponding form in which it may be reproduced in black and white.”.

- (4) Omit Article 4.
- (5) In Article 5—
  - (a) at the beginning insert “ In the case of an application to which Article 49(5) of Regulation (EU) No 1151/2012 applies, ”;
  - (b) omit “of the Member State or”;
  - (c) for “Commission” substitute “ Secretary of State ”;
  - (d) omit “of a Member State or”.
- (6) Article 6 is amended in accordance with paragraphs (7) to (12).
- (7) In paragraph 1, in the third and fourth subparagraphs, for “Commission” substitute “ Secretary of State ”.
- (8) In paragraph 2—
  - (a) in the first subparagraph—
    - (i) in the first sentence, for the words from “authorities” to “relates to” substitute “ Secretary of State ”;
    - (ii) in the second sentence, for the words from “authorities” to “established” substitute “ Secretary of State ”;
    - (iii) in the third sentence—
      - (aa) after “a product specification” insert “ concerning products originating in the United Kingdom ”;
      - (bb) for “Member State” substitute “ Secretary of State ”;
    - (iv) for the fourth sentence substitute—

“Applications for a minor amendment to a product specification concerning products originating in the United Kingdom must be submitted by a group having a legitimate interest.”;
    - (v) in the fifth sentence, for “Commission” substitute “ Secretary of State ”;
  - (b) in the third and fourth subparagraphs, for “Commission” substitute “ Secretary of State ”;
  - (c) for the fifth subparagraph substitute—

“After making a decision in relation to an application under this paragraph, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State:

    - (a) a notice:
      - (i) informing the applicant and the public of the decision made under this paragraph in relation to the application and the reasons for that decision, and

- (ii) providing information about the right to appeal under Article 54a of Regulation (EU) No 1151/2012 against the decision and the period within which an appeal may be made, and
  - (b) where the application is approved, a copy of the amended product specification.

The publication obligations imposed on the Secretary of State by the previous subparagraph also apply in the case of an application that is tacitly approved by virtue of the third subparagraph.”.
- (9) In paragraph 3—
  - (a) in the first subparagraph—
    - (i) after “public authorities” insert “ of a third country ”;
    - (ii) after “competent authorities” insert “of a third country (‘third country temporary amendments’)”;
  - (b) number the second subparagraph as paragraph 3a.
- (10) In paragraph 3a (as numbered by paragraph (9)(b))—
  - (a) omit the second and third sentences;
  - (b) for “Temporary amendments concerning products originating in third countries” substitute “ They ”;
  - (c) for the words from “Member States shall publish” to “third countries the” substitute “ The ”;
  - (d) omit “Member States and”;
  - (e) omit the last sentence;
  - (f) for “Commission”, in each place it occurs in the remaining text, substitute “ Secretary of State ”.
- (11) After paragraph 3a (as numbered by paragraph (9)(b)) insert—

“**3b.** The Secretary of State must publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of a third country temporary amendment and the period during which that temporary amendment is to apply.”.

- (12) After paragraph 3b (as numbered by paragraph (9)(b)) insert the new paragraphs 4 to 4o in Part 1 of Schedule 5.
- (13) Omit Article 7(2).
- (14) Omit Articles 8 and 9.
- (15) In Article 10 omit the second paragraph.
- (16) After Article 10 omit the words from “This Regulation” to “States.”.
- (17) For the Annex substitute the Annex in Part 2 of Schedule 5.

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#### Commencement Information

**I22** Reg. 22 in force at 31.12.2020, see reg. 1(7)

## **Commission Implementing Regulation (EU) No 668/2014**

**23.—**(1) Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended as follows.

(2) Before Article 1 insert—

### *“Article 1*

#### *Definitions*

In this Regulation:

- (a) ‘EU Regulation 1151/2012’ means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect immediately before IP completion day;
  - (b) ‘EU Regulation 668/2014’ means Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect immediately before IP completion day;
  - (c) ‘Great Britain's PDOs and PGIs Register’ has the meaning given in Article 3(23) of Regulation (EU) No 1151/2012;
  - (d) ‘third country’ means any country, other than the United Kingdom, and includes:
    - (i) the Bailiwick of Guernsey;
    - (ii) the Bailiwick of Jersey;
    - (iii) the Isle of Man.”
- (3) Omit Article 1(2).
- (4) In Article 6—
- (a) in paragraph 1 omit the second subparagraph;
  - (b) in paragraph 3, for “Commission”, in both places it occurs, substitute “ Secretary of State ”.
- (5) In Article 8—
- (a) for the words from “as referred to” to “States concerned” substitute “ by more than one group referred to in the first subparagraph of Article 49(1) of Regulation (EU) No 1151/2012 relating to a trans-border geographical area, or the name of a traditional speciality guaranteed, must be submitted to the Secretary of State by one of the applicant groups or through the authorities of the relevant third country concerned or by the authorities of one of the third countries concerned (where there is more than one of them) ”;
  - (b) for “Member States and third” substitute “ of the ”.
- (6) In Article 9(3), for “Commission” substitute “ Secretary of State ”.
- (7) In Article 10—
- (a) in paragraph 1, in the first subparagraph, for the words from “The reference” to “lead to the” substitute “ The application must be accompanied by an ”;
  - (b) in paragraph 2—
    - (i) in the second subparagraph, for the words from “The reference” to “lead to the” substitute “ It must also be accompanied by an ”;
    - (ii) omit the third subparagraph;
    - (iii) in the fourth subparagraph omit the second sentence;

- (c) in paragraph 3—
  - (i) for “Commission” substitute “ Secretary of State ”;
  - (ii) for “the second subparagraph of Article 6(3)”, in the first place it occurs, substitute “ Article 6(3a) ”;
  - (iii) for “the second subparagraph of Article 6(3)”, in the second place it occurs, substitute “ Article 6(3c) ”;
- (d) in paragraph 4, for “Commission”, in both places it occurs, substitute “ Secretary of State ”.
- (8) In Article 11(1) omit the second subparagraph.
- (9) In Article 12—
  - (a) for “Commission” substitute “ Secretary of State ”;
  - (b) for “10, 11, and 15” substitute “ 10 and 11 ”.
- (10) In Article 13—
  - (a) in paragraph 1—
    - (i) omit “Union”;
    - (ii) for “Annex X to this Regulation” substitute “ the Annex to Delegated Regulation (EU) No 664/2014 and in accordance with paragraph 2. ”;
  - (b) for paragraph 2 substitute—
 

“2. Where a symbol appears on the labelling of a product, it must be reproduced as follows:

    - (a) the whole of the symbol must be printed;
    - (b) the symbol must be printed to a minimum size of 15mm x 15mm;
    - (c) when printed in colour, the symbol must be printed using:
      - (i) in the Pantone colour matching system <sup>F78</sup>, Pantone gold solid PMS 467 C and PMS Black C, or
      - (ii) in the four-colour CMYK system <sup>F79</sup>, the combined coloured printing inks in the measures:
        - (aa) gold – C:0 M:15 Y:40 K:15, and
        - (bb) black – C:0 M:0 Y:0 K:100;
    - (d) when printed in black and white, the symbol:
      - (i) must be displayed on a white background;
      - (ii) may not be reversed as a negative image;
      - (iii) must be printed using:
        - (aa) in the Pantone colour matching system, Pantone PMS Black C, or
        - (bb) in the four-colour CMYK system, black - C:0 M:0 Y:0 K:100.”;
- (c) in paragraph 3 omit “Union”;
- (d) omit paragraph 5.
- (11) In Article 14—
  - (a) in paragraph 1—
    - (i) in the words before point (a)—

- (aa) for the words from the beginning to “registering” substitute “ Where the Secretary of State publishes a notice under Article 52(4) of Regulation (EU) No 1151/2012 relating to a decision of the Secretary of State to approve the registration of”;
- (bb) for “Commission shall” substitute “ Secretary of State must, as soon as possible after the notice period relating to the notice has expired, ”;
- (ii) for point (c) substitute—
  - “(c) the date of registration;”;
- (b) after paragraph 1 insert—

“**1a.** The Secretary of State must attach a copy of the product specification for the designation or origin or geographical indication referred to in paragraph 1 to the register as soon as possible after the notice period relating to the notice has expired.

**1b.** An entry for a designation of origin or geographical indication recorded in the register pursuant to paragraph 1 grants the protection for the designation of origin or geographical indication provided for in Article 13 of Regulation (EU) No 1151/2012 and that protection takes effect immediately after:

- (a) the entry is recorded in the register, and
- (b) a copy of the product specification for the designation of origin or geographical indication is attached to the register.”;
- (c) in paragraph 2—
  - (i) in the words before point (a), for the words from the beginning to “shall” substitute “ Where the Secretary of State publishes a notice under Article 52(4) of Regulation (EU) No 1151/2012 relating to the Secretary of State's decision to approve an application to register a traditional speciality guaranteed, the Secretary of State must, as soon as possible after the notice period relating to the notice has expired, ”;
  - (ii) for point (c) substitute—
    - “(c) the date of registration;”;
  - (iii) omit point (f);
- (d) after paragraph 2 insert—

“**2a.** The Secretary of State must attach a copy of the product specification for the traditional speciality guaranteed referred to in paragraph 2 to the register as soon as possible after the notice period relating to the notice has expired.

**2b.** An entry for a traditional speciality guaranteed made in the register grants the protection for the traditional speciality guaranteed provided for in Article 24 of Regulation (EU) No 1151/2012 and that protection takes effect immediately after:

- (i) the entry is recorded in the register, and
- (ii) a copy of the product specification for the traditional speciality guaranteed is attached to the register.”;
- (e) for paragraphs 3 and 4 substitute the new paragraphs 3 to 3n and 4 to 6 in Part 1 of Schedule 6.

- (12) After Article 14 insert the new Articles 14a and 14b in Part 2 of Schedule 6.
- (13) Omit Article 15.
- (14) In Article 16 omit the second, third and fourth paragraphs.
- (15) After Article 16 omit the words from “This Regulation” to “States.”.
- (16) In Annex 1—
  - (a) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”;
  - (c) after the line below section 5, for the words from “**Reference**” to the end substitute— “ Product specification [attach copy] ”.
- (17) In Annex 2, in the words before section 1—
  - (a) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) for “Member State” substitute “ Great Britain, Northern Ireland ”.
- (18) In Annex 3—
  - (a) in section 1, for “*Official Journal (OJ)* publication” substitute “ the single document (where relevant) and product specification for the application published under Article 50(2) of Regulation (EU) No 1151/2012 ”;
  - (b) in section 2—
    - (i) for “*Official Journal (OJ)* publication” substitute “ connection with the publication of the single document (where relevant) and product specification for the application published under Article 50(2) of Regulation (EU) No 1151/2012 ”;
    - (ii) for “Date of *OJ* publication” substitute “ Date of publication ”;
  - (c) in section 3, for “*national*” substitute “ *third country* ”;
  - (d) in section 5, in the second subparagraph, after “authorities” insert “ of a third country ”.
- (19) In Annex 4—
  - (a) in section 1, for “*Official Journal (OJ)* publication” substitute “ the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012 ”;
  - (b) in section 2—
    - (i) in the heading, for “***Official Journal (OJ)* publication**” substitute “ **the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012** ”;
    - (ii) for “Date of *OJ* publication” substitute “ Date of publication ”.
- (20) In Annex 5—
  - (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”.
- (21) In Annex 6—
  - (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”.
- (22) In Annex 7—

- (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”;
  - (c) in section 6, for the words in square brackets and points (a) and (b) substitute “ [Insert the proposed updated product specification] ”.
- (23) In Annex 8—
- (a) in the words before section 1—
    - (i) for “the second subparagraph of Article 6(3)” substitute “ Article 6(3a) ”;
    - (ii) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) in section 1, in the heading, omit “**Member State or**”.
- (24) In Annex 9—
- (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
  - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”.
- (25) Omit Annex 10.

- F78** The Pantone colour matching system is an industry-standard colour specification system which allocates a number and a specific ink formulation to each colour.
- F79** CMYK refers to a process of printing colour using four inks: Cyan (C), Magenta (M), Yellow (Y) and Key (K) where Key is black.

#### Commencement Information

- I23** Reg. 23 in force at 31.12.2020, see reg. 1(7)

### Commission Delegated Regulation (EU) 2018/273

**24.**—(1) Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties<sup>F80</sup> is amended as follows.

- (2) In Article 1—
- (a) omit points (a) and (e);
  - (b) in point (f) omit “and the analytical databank of isotopic data”;
  - (c) in point (g) omit “and mutual assistance between them”;
  - (d) for point (i) substitute—
    - “(i) the publication of information.”.
- (3) In Article 2—
- (a) in paragraph 1—
    - (i) in point (a)—
      - (aa) for the words from “the Union” to “the European Union,” substitute “ Great Britain ”;

- (bb) omit the words from “or for” to the end;
- (ii) omit points (c) and (d);
- (iii) in point (g) omit “to be defined by each Member State,”;
- (iv) after point (k) insert—
  - “(l) ‘the 2010 Regulations’ means the Excise Goods (Holding, Movement and Duty Point) Regulations 2010 <sup>F81</sup>;
  - (m) ‘ARC’ means the unique administrative reference code;
  - (n) ‘the competent authority’, in relation to a function to be exercised in Great Britain, or any part of it, means the person designated to carry out that function by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain;
  - (o) ‘computerised system’ has the meaning given by regulation 3(1) of the 2010 Regulations;
  - (p) ‘export’ means export from Great Britain to a third country;
  - (q) ‘HMRC Notice 197’ means the notice numbered 197 <sup>F82</sup> published by HMRC under regulation 56(2) of the 2010 Regulations as that notice stands on IP completion day;
  - (r) ‘import’ means import into Great Britain from a third country;
  - (s) ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland;
  - (t) ‘third country’ means any country, other than the United Kingdom, and includes:
    - (i) the Bailiwick of Guernsey;
    - (ii) the Bailiwick of Jersey;
    - (iii) the Isle of Man;
  - (u) ‘unique administrative reference code’ has the meaning given in regulation 3(1) of the 2010 Regulations.”;
- (b) in paragraph 2, for “IV to VIII” substitute “ 4, 5, 7 and 8 ”;
- (c) omit paragraph 3.
- (4) Omit Chapters 2 and 3.
- (5) Omit Articles 8 to 10.
- (6) In Article 11—
  - (a) in paragraph 1—
    - (i) for the words from “point” to “10(1)” substitute “ paragraph 4 ”;
    - (ii) after “PGI” insert “ if they comply with the conditions laid down in paragraphs 5 and 6 and Annex 5 ”;
  - (b) omit paragraph 3;
  - (c) insert as paragraphs 4 to 8—

“4. The documents referred to in paragraph 1 are:



- (a) a printed copy of an electronic administrative document that complies with the requirements for that document specified in HMRC Notice 197 and on which the unique administrative reference code assigned to the document is given;
- (b) a paper document of the type specified in regulation 60(2)(b) of the 2010 Regulations that complies with the requirements set out in regulation 60(2A) of the 2010 Regulations;
- (c) any other commercial document on which the unique administrative reference code is clearly stated;
- (d) in the case of the movement within Great Britain under duty suspension arrangements of wine and made-wine to which regulation 62(2) of the 2010 Regulations applies, a paper document of the type specified in regulation 62(3)(a) or (b) of the 2010 Regulations.

5. Where used for the purpose specified in paragraph 1, a document referred to in paragraph 4 must include the information indicated in Section A of Annex 5 or allow the competent authorities to have access to that information.

6. Where that document bears a unique administrative reference code number assigned by the computerised system, the information referred to in Section A of Annex 5 to this Regulation must be held in the system used.

7. In the case of a wine product produced in Northern Ireland, a document recognised as an accompanying document for that type of product when transported in Northern Ireland or the European Union under Article 10 of EU Regulation 2018/273<sup>F83</sup> certifies, as relevant, the following characteristics of the wine product to which it relates:

- (a) the origin or provenance;
- (b) the quality and characteristics of the wine product;
- (c) the vintage year;
- (d) the grape variety or varieties from which it is produced;
- (e) the PDO or PGI.

8. In this Article:

- (a) 'EU Regulation 2018/273' means Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;
- (b) 'the electronic administrative document' has the meaning given in regulation 3(1) of the 2010 Regulations."

(7) In Article 12—

- (a) in paragraph 1(a), for the words from “any” to “of this Regulation” substitute “ the document referred to in Article 11(4)(b) or (c) ”;
  - (b) in paragraph 2 omit “or MVV code”;
  - (c) in paragraph 3 omit “and (3)”.
- (8) Omit Articles 13 to 19.
- (9) In Article 20(2)—
- (a) in point (a)—
    - (i) for “Union law” substitute “ retained EU law ”;
    - (ii) for “Union” substitute “ United Kingdom ”;
  - (b) in point (c)—
    - (i) for “Union legislation” substitute “ retained EU law ”;
    - (ii) for “Union” substitute “ United Kingdom ”.
- (10) In Article 21—
- (a) in point (a)—
    - (i) in point (ii), for the words from “the Union” to the end substitute “ Great Britain ”;
    - (ii) in point (iv), for the words from “within” to “1186/2009” substitute “ entering Great Britain from a third country ”;
    - (iii) in point (ix)—
      - (aa) for “Union”, in the first place it occurs, substitute “ United Kingdom ”;
      - (bb) for “the customs territory of the Union” substitute “ Great Britain ”;
  - (b) in point (b), in the words before point (i), for “by the Union” substitute “ in relation to Great Britain ”.
- (11) In Article 22(1), in the fourth subparagraph, for “Union customs office” substitute “ customs office in Great Britain ”.
- (12) In Article 23, in the first paragraph, in the words before point (a), for the words from “shall” to “those formalities” substitute “ relating to a consignment must be handed over to the competent authority on the completion of the customs formalities required for putting the consignment into free circulation in Great Britain ”.
- (13) In Article 24, in the first paragraph, in the words before point (a), for “the Union”, in both places it occurs, substitute “ Great Britain ”.
- (14) In Article 25(2)—
- (a) for “Union legislation” substitute “ retained EU law ”;
  - (b) for “Union” substitute “ United Kingdom ”.
- (15) In Article 26(1), for “the Union” substitute “ Great Britain ”.
- (16) In Article 27—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
    - (ii) for the words from “have” in the first subparagraph to “be” in the third subparagraph substitute “ are ”;
  - (b) in paragraph 2, for “the customs territory of the Union” substitute “ Great Britain ”;
  - (c) in paragraph 3—

- (i) for “of the Member State” substitute “ in a case ”;
  - (ii) after “free circulation” insert “ in Great Britain ”;
- (d) omit paragraph 4.
- (17) In Article 28—
  - (a) omit paragraph 2;
  - (b) in paragraph 3, in the first sentence—
    - (i) for “Member States shall” substitute “ The Food Standards Agency must ”;
    - (ii) at the end insert “ in England and Wales and Food Standards Scotland must draw up and keep up-to-date a list of operators obliged to keep the register in Scotland ”.
- (18) Omit Article 30.
- (19) Omit Chapter 6.
- (20) In Article 36—
  - (a) omit paragraph 1;
  - (b) in paragraph 2 omit the second subparagraph;
  - (c) in paragraph 3, for “Paragraphs 1 and 2” substitute “ Paragraph 2 ”.
- (21) In Article 37—
  - (a) omit paragraph 1;
  - (b) in paragraph 2—
    - (i) omit the first and second subparagraphs;
    - (ii) in the third subparagraph, at the beginning insert—

“Administrative and on-the-spot checks must be carried out.”;
  - (c) omit paragraph 3;
  - (d) in paragraph 4—
    - (i) for the words from the beginning to “countries” substitute “ In the case of wines and other wine products from third countries that are imported into Great Britain on the basis of a VI-1 document, checks ”;
    - (ii) for the words from “the Member” to “Union” substitute “ Great Britain ”.
- (22) Omit Article 39.
- (23) For Article 40 substitute—

*“Article 40*

*Liaison body*

1. The Secretary of State is the liaison body responsible for official contact with:
  - (a) third countries relating to matters covered by this Regulation for wine and other wine products imported into Great Britain from a third country, or exported from Great Britain to a third country;
  - (b) Northern Ireland relating to matters covered by this Regulation for wine and other wine products moved into Great Britain from Northern Ireland, or moved from Great Britain to Northern Ireland.

2. But the Secretary of State must not act as the liaison body responsible for official contact with third countries and Northern Ireland pursuant to paragraph 1, without the consent of:

- (a) the Scottish Ministers, in relation to wine and other wine products:
  - (i) imported into Great Britain from a third countries during any period those products are in Scotland;
  - (ii) originating in Scotland and exported from Great Britain to third countries;
  - (iii) originating elsewhere than in Scotland and exported from Scotland to third countries;
  - (iv) moved into Great Britain from Northern Ireland during any period those products are in Scotland;
  - (v) originating in Scotland and moved from Great Britain to Northern Ireland;
  - (vi) originating elsewhere than in Scotland and moved from Scotland to Northern Ireland;
- (b) the Welsh Ministers, in relation to wine and other wine products:
  - (i) imported into Great Britain from third countries during any period those products are in Wales;
  - (ii) originating in Wales and exported from Great Britain to third countries;
  - (iii) originating elsewhere than in Wales and exported from Wales to a third country;
  - (iv) moved into Great Britain from Northern Ireland during any period those products are in Wales;
  - (v) originating in Wales and moved from Great Britain to Northern Ireland;
  - (vi) originating elsewhere than in Wales and moved from Wales to Northern Ireland.”.

(24) Omit Articles 41 to 44.

(25) In Article 45—

- (a) omit the first paragraph;
- (b) in the second paragraph—
  - (i) omit “of a Member State”;
  - (ii) for the words from “of that” to the end substitute “ designated by Article 40 must, without delay, inform, as relevant, the authorities of Northern Ireland and any third country concerned ”.

(26) Omit Article 46.

(27) In Article 47—

- (a) in the heading, for “**Union rules**” substitute “ **rules in retained EU law** ”;
- (b) in paragraph 1—
  - (i) omit “10,”;
  - (ii) omit “referred to in Article 8(1)”;
  - (iii) omit “of a Member State”;
- (c) after paragraph 2 insert—

“3. In this Article, ‘operators’ means winegrowers, harvesters, producers, processors, bottlers and merchants.”.

(28) Omit Articles 48 to 50.

(29) In Article 51—

(a) in the heading, for “the information notified” substitute “ information ”;

(b) in paragraph 1—

(i) in the words before point (a), for “the Commission” substitute “ and, in relation to point (d), the competent authority of Northern Ireland, the Secretary of State ”;

(ii) in each of points (a), (b) and (c), at the beginning insert “ in relation to each third country, the ”;

(iii) in point (d)—

(aa) after “in” insert “ Northern Ireland and ”;

(bb) for “the Commission and the Member States” substitute “ Great Britain ”;

(c) for paragraph 2 substitute—

“2. The Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time:

(a) the names and addresses of the competent authorities in Great Britain responsible for carrying out official analyses, the administrative certification procedure and checks relating to registers and accompanying documents, and

(b) the lists referred to in paragraph 1.

3. But the Secretary of State must not publish the information and the lists specified in paragraph 2(a) without the consent of:

(a) insofar as the information and lists will apply in relation to Scotland, the Scottish Ministers;

(b) insofar as the information and lists will apply in relation to Wales, the Welsh Ministers.”.

(30) In Chapter 9, in the heading omit “**AMENDMENTS, REPEALS, TRANSITIONAL AND**”;

(31) Omit Articles 52 to 55.

(32) After Article 56 omit the words from “This Regulation” to “States.”.

(33) Omit Annexes 1 to 4.

(34) Annex 5 is amended in accordance with paragraphs (35) to (37).

(35) In Section A—

(a) in the first paragraph, for “10(2)” substitute “ 11(5) ”;

(b) in the second paragraph—

(i) for the words from “points” to “10(1)” substitute “ Article 11(4) ”;

(ii) for “Annex I to Regulation (EC) No 684/2009” substitute “ HMRC Notice 197 ”;

(c) omit the third paragraph;

(d) in the fourth paragraph—

- (i) for “the Member States” substitute “ the Secretary of State, by administrative decision,”;
- (ii) at the end insert—
 

“The Secretary of State must publish that information in such manner as appears appropriate to the Secretary of State from time to time.”;
- (e) after the fourth paragraph insert—
 

“The Secretary of State may not make a decision concerning the order and specific details concerning the layout of the entries on the documents referred to in Article 11(4) in relation to the use of such documents in Scotland or Wales without the consent of:

  - (a) in relation to Scotland, the Scottish Ministers;
  - (b) in relation to Wales, the Welsh Ministers.”;
- (f) in the table—
  - (i) omit column 3;
  - (ii) in the first row (reference number), in column 1 omit “, the MVV code”;
  - (iii) in the sixth row (competent authorities at place of dispatch), in column 1—
    - (aa) for “another Member State” substitute “ Northern Ireland ”;
    - (bb) for “the Union” substitute “ Great Britain ”;
  - (iv) in the eleventh row (description of packages of goods), in column 1 omit the second and third sentences;
  - (v) omit the seventeenth row (wine-growing zone code);
  - (vi) in the twentieth row (date of dispatch etc.), in column 1, omit the words from “and” to the end”;
  - (vii) omit the last row (visa from the competent body of the place of dispatch).
- (36) In Section B—
  - (a) in point 1.1—
    - (i) for the words from “point (a)(i)” to “10(1)” substitute Article 11(4)”;
    - (ii) omit the words from “referred to in Article” to “10(1)”;
  - (b) omit point 1.2;
  - (c) in point 1.3, for “10(1)” substitute “ 11(4) ”;
  - (d) in point 1.5 omit “referred to in Article 17(1) or”
  - (e) in point 1.6—
    - (i) in the first subparagraph omit the words from “, in” to “State,”;
    - (ii) omit the second subparagraph;
  - (f) in point 2.1—
    - (i) in point (a), for “Union rules” substitute “ rules in retained EU law ”;
    - (ii) in point (c)—
      - (aa) in the first subparagraph, in point (ii), for “recognised by the Union” substitute “set down in Section 2 of Annex A to Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis published in Paris in January 2019 by the International Organisation of Vine and Wine <sup>F84</sup> (‘the OIV Compendium’) as that Compendium stands on IP completion day”;

- (bb) for the second subparagraph substitute—
  - “The information required by points (ii), (iii) and (iv) of the first subparagraph must be expressed in a way that takes into account any relevant provisions in the tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts in Section 2 of Annex A to the OIV Compendium <sup>F85</sup> as that Compendium stands on IP completion day.”;
- (iii) in point (d), in the words before point (i), for “Union provisions” substitute “provisions in retained EU law”;
- (iv) in point (e)—
  - (aa) omit point (i);
  - (bb) in point (ii), in the wording relating to the use of the figure “12” (other operations) omit the words from “Examples” to “C III(b)(2)”;
  - (cc) in the last sentence omit “the wine-growing area and”.
- (37) Omit Sections C and D.
- (38) Annex 6 is amended in accordance with paragraphs (39) to (41).
- (39) In the heading, for “**THE UNION**” substitute “**GREAT BRITAIN**”.
- (40) In Part 1—
  - (a) in the heading, for “**Article 21(6) of Directive 2008/118/EC** <sup>F86</sup>” substitute “**regulation 57(7)(b) of the 2010 Regulations**”;
  - (b) in the specimen wording relating to the information to be mentioned—
    - (i) in the words before point (1), for “[Member State or European Union]” substitute “*Great Britain*”;
    - (ii) in point (1)(a), for the words from “*the ‘E-Bacchus’*” to the end substitute “*Great Britain’s PDOs and PGIs Register for wine established and maintained by the Secretary of State pursuant to Article 104 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended*”;
    - (iii) in point (2), for “*Union law*” substitute “*the law in Great Britain*”;
    - (iv) in point (4), for “*the Union*” substitute “*Great Britain*”;
    - (v) in the box relating to the administrative reference assigned by the competent authority omit “or ‘**MVV code**’”.
- (41) In Part 2—
  - (a) in Section A, for the template for the wine export certificate substitute the template for that certificate in Part 1 of Schedule 7;
  - (b) in Section B, in the table—
    - (i) in the first row (consignor etc.) in column 1 omit the words from “or reference” to the end;
    - (ii) in the ninth row (logo of the Member State of dispatch etc.), in column 1 omit “Logo of the Member State of dispatch and”;
    - (iii) in the twelfth row (certification)—
      - (aa) in the first subparagraph, for “Union law” substitute “the law in Great Britain”;

- (bb) in the third subparagraph, in the second indent, for “the EU according to EU and national legislation” substitute “ Great Britain in accordance with the law in Great Britain ”;
- (iv) in the last row (reference number), in column 1 omit “or the MVV code”.
- (42) In Annex 7—
  - (a) for Parts 1 and 2 substitute the new Parts 1 and 2 in Part 2 of Schedule 7;
  - (b) in Part 3—
    - (i) in Section A , in point 2, omit the second sentence;
    - (ii) in Section C—
      - (aa) in the instruction relating to Box 2, for “the EU” substitute “ Great Britain ”;
      - (bb) in the instruction relating to Box 4, in the first indent, for “the EU” substitute “ Great Britain ”;
  - (c) in Part 4, in the list lettered B (list of third countries referred to in Article 26) omit “— Canada”.

- F80** EUR 2018/273; prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 24 of, and Schedule 7 to, this instrument.
- F81** [S.I. 2010/593](#); relevant amending instruments are [S.I. 2011/2225](#) and prospectively, from IP completion day, 2019/13.
- F82** A copy of the notice is available electronically from <https://www.gov.uk/guidance/receive-goods-into-and-remove-goods-from-an-excise-warehouse-excise-notice-197-from-1-january-2021>. A hard copy can be obtained, on written request, from HMRC, 100 Parliament Street, London SW1A 2BQ.
- F83** OJ No. L 58, 28.2.2018, p. 1, amended by Commission Delegated Regulation (EU) 2019/840 (OJ No. L 138, 24.5.2019, p. 74).
- F84** Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis is available electronically from <http://www.oiv.int/public/medias/6619/compendium-2019-en-vol1.pdf>. A hard copy is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. The measuring method for the refractive index of grape must is set out under reference OIV-MA-AS2-02 in Section 2 of Annex A.
- F85** The tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts are set out under reference OIV-MA-AS2-02 in Section 2 of Annex A to the OIV Compendium.
- F86** OJ No. L 9, 14.1.2009, p. 12, to which there are amendments not relevant to these Regulations. Council Directive 2008/118/EC concerning the general arrangements for excise duty is prospectively repealed by Council Directive (EU) 2020/262 laying down the general arrangements for excise duty (recast) (OJ No. L 58, 27.2.2020, p. 4) after IP completion day.

#### Commencement Information

- I24** Reg. 24 in force at 31.12.2020, see reg. 1(7)

### Commission Implementing Regulation (EU) 2018/274

**25.—(1)** Commission Implementing Regulation (EU) 2018/274 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register,



compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks<sup>F87</sup> is amended as follows.

(2) In Article 1—

- (a) in the words before point (a), for the words from “Regulations” to “respectively,” substitute “ Regulation (EU) No 1308/2013 ”;
- (b) omit points (a), (d), (e) and (f).

(3) After Article 1 insert—

*“Article 1a*

*The competent authorities*

The competent authorities, in relation to the issue of permits under Article 12(3) and the exercise of the functions in Article 13(2)(c) and 20(4), means the persons designated in relation to each of those functions by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain.”.

(4) Omit Chapter 2.

(5) In Article 12—

- (a) in paragraph 1—
  - (i) omit the second subparagraph;
  - (ii) in the last subparagraph—
    - (aa) at the beginning insert “ In relation to wine produced in Great Britain, ”;
    - (bb) for “the Member State in which the wine is produced” substitute “ Great Britain ”;
    - (cc) for the words from “different” to “1308/2013” substitute “ Great Britain and Northern Ireland ”;
    - (dd) for “by any of the Member States concerned” substitute “ in either Great Britain or Northern Ireland ”;
- (b) in paragraph 2—
  - (i) in the first subparagraph omit “and Chapter VI of this Regulation”;
  - (ii) in the second subparagraph, omit “, save where Member States decide otherwise”;
- (c) in paragraph 3 omit “of the Member States”.

(6) In Article 13—

- (a) in paragraph 1, in the second subparagraph, for the words from “one” to “other” substitute “ a copy of the ”;
- (b) in paragraph 2—
  - (i) in the first subparagraph—
    - (aa) in point (b) omit the words from “presented” to the end;
    - (bb) in point (c), after “competent authorities” insert “ , by administrative decision, following an application made by an operator ”;
- (c) omit the second subparagraph.

(7) In Article 14—

- (a) in paragraph 1(a)(iii), for the words from “of the classification” to “1308/2013” substitute “ to the wine grape variety (which must be a wine grape variety that complies with point (a) or (b) of Article 81(2) of Regulation (EU) No 1308/2013) ”;

- (b) in paragraph 2, for “Union legislation” substitute “retained EU law”;
- (c) after paragraph 3 insert—

“4. In this Article, ‘retained EU law’ has the same meaning as in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.

(8) In Article 15—

- (a) in paragraph 1—
  - (i) in point (a), for “under Union or national” substitute “by”;
  - (ii) in point (d) omit “Union or national”;
  - (iii) in point (e)—
    - (aa) omit “10.”;
    - (bb) omit the words from “, except” to the end;
- (b) in paragraph 3, in the first subparagraph omit the second sentence.

(9) In Article 16(1)(b)(v) omit “Union or national”.

(10) Omit Article 19.

(11) In Article 20—

- (a) in paragraph 1—
  - (i) in the words before point (a) for “Articles 15 and 19” substitute “Article 15”;
  - (ii) omit point (b) and the “and” immediately before it;
- (b) in paragraph 4—
  - (i) in the first subparagraph, for the words from “Member” to “days” substitute “on a case by case basis, the Food Standards Agency, in relation to England and Wales, and Food Standards Scotland, in relation to Scotland, may, on the application of an operator, authorise longer deadlines not exceeding 30 days where the Food Standards Agency or Food Standards Scotland (as the case may be) considers it appropriate to do so”;
  - (ii) omit the second subparagraph;
- (c) in paragraph 5 omit the words from “as” to the end.

(12) Omit Chapters 5 and 6.

(13) Omit Articles 33 and 34.

(14) In Article 35 omit paragraphs 2 and 4.

(15) After Article 37 omit the words from “This Regulation” to “States.”.

(16) Omit Annexes 1 to 4.

**F87** EUR 2018/274. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 25 of this instrument.

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**Commencement Information**

**I25** Reg. 25 in force at 31.12.2020, see reg. 1(7)

## Commission Delegated Regulation (EU) 2019/33

26.—(1) Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation is amended as follows.

- (2) After Article 1 insert the new Articles 1a and 1b in Part 1 of Schedule 8.
- (3) In Article 4(2) omit the words from “, taking” to the end.
- (4) In Article 5(1)(c) omit the words from “Member”, in the first place it occurs, to “third”.
- (5) Omit Articles 6 to 8.
- (6) In Article 9—
  - (a) in paragraph 1, in the first subparagraph, for “, 95 and 96” substitute “ and 95 ”;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for the words from “it” to “a third country” substitute “ the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country, ”;
  - (c) in paragraph 3—
    - (i) for “Commission shall make public” substitute “ Secretary of State must publish ”;
    - (ii) for “it” substitute “ the Secretary of State ”;
    - (iii) for “Member State or third” substitute “ relevant ”;
    - (iv) at the end insert (as the second sentence)—

“The list may be published in such manner as appears appropriate to the Secretary of State from time to time.”.
- (7) In Article 10, for “Commission”, in each place it occurs, substitute “ Secretary of State ”.
- (8) In Article 11—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) in point (a), for “Commission” substitute “ Secretary of State ”;
      - (bb) in point (c)(i), for “the provisions adopted pursuant thereto” substitute “ any provision in force, adopted or made pursuant to them (whether adopted before IP completion day, or made on or after IP completion day) ”;
    - (ii) in the second subparagraph, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(c)(ii) so far as it relates to Article 101(1) of Regulation (EU) No 1308/2013, the objection must be assessed in relation to the territory of the United Kingdom ”;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for “it” substitute “ the Secretary of State ”.
- (9) In Article 12—
  - (a) in paragraph 1—
    - (i) in the first sentence—

- (aa) for “Commission” substitute “ Secretary of State ”;
  - (bb) for “it” substitute “ the Secretary of State ”;
- (ii) in the second sentence—
  - (aa) after “on which” insert “ the single document and the product specification submitted in connection with ”;
  - (bb) for the words from “is published” to “*Union*” substitute “ are published under Article 97(3) of Regulation (EU) No 1308/2013 ”;
- (iii) in the last sentence, for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 3—
  - (i) in the first sentence—
    - (aa) for “established in the third country or” substitute “ or, where relevant, ”;
    - (bb) omit “of the Member State or”;
    - (cc) for “Commission” substitute “ Secretary of State ”;
  - (ii) in the second sentence—
    - (aa) for “Commission” substitute “ Secretary of State ”;
    - (bb) omit “national”;
  - (iii) in the last sentence, for “Commission shall adopt” substitute “ Secretary of State must make ”;
- (c) in paragraph 4—
  - (i) in the first sentence—
    - (aa) for the words from “established” to “country,” substitute “ or, where relevant, the authorities of the third country ”;
    - (bb) for “Commission” substitute “ Secretary of State ”;
  - (ii) in the second sentence, for “Commission shall adopt” substitute “ Secretary of State must make ”.
- (10) In Article 13—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Commission may adopt implementing acts granting” substitute “ Secretary of State may, by regulations, grant ”;
      - (bb) for “a Member State” substitute “ the United Kingdom ”;
    - (ii) in the second subparagraph—
      - (aa) in the words before point (a) omit “Article 96(3) or”;
      - (bb) in point (b), after “market” insert “ in Great Britain ”;
  - (b) in paragraph 2—
    - (i) in the words before point (a), for “Commission may adopt implementing acts extending” substitute “ Secretary of State may, by regulations, extend ”;
    - (ii) in point (a), for “Commission” substitute “ Secretary of State ”;
  - (c) in paragraph 4, in the first subparagraph—
    - (i) for “a Member State may” substitute “ the Secretary of State may use any power the Secretary of State has to make regulations to ”;

- (ii) for “Commission” substitute “ Secretary of State ”;
- (iii) for “to the authorities of the Member State” substitute “ with the Secretary of State ”;
- (iv) omit “national”;
- (v) for “96(3)” substitute “ 98 ”;
- (d) after paragraph 4 insert—

“5. The powers to make regulations conferred on the Secretary of State by paragraphs 1 and 2 are exercisable by statutory instrument.

6. A statutory instrument containing regulations made under paragraph 1 or 2 is subject to annulment in pursuance of a resolution of either House of Parliament.

7. Such regulations may contain supplementary, incidental or consequential provision.”.

(11) In Article 14—

- (a) number the second subparagraph of paragraph 1 as paragraph 1a;
- (b) number the third subparagraph of paragraph 1 as paragraph 1b;
- (c) number the final subparagraph of paragraph 1 as paragraph 1c;
- (d) renumber paragraph 2 as paragraph 2d;
- (e) in paragraph 1, in the first subparagraph—
  - (i) for the words from “at Union” to “and amendments” substitute “under Article 98 of Regulation (EU) No 1308/2013, as applied to applications for amendments by Article 15 (‘non-standard amendments’), and amendments that do not (‘standard amendments’). Standard amendments for a product specification for a protected designation of origin or protected geographical indications relating to an area in a third country are”;
  - (ii) omit “Member State or”;
  - (iii) after “level (” insert “ third country ”;
- (f) in paragraph 1a (as numbered by sub-paragraph (a)), in the words before point (a), for “Union” substitute “ non-standard ”;
- (g) in paragraph 1b (as numbered by sub-paragraph (b)), for “Union” substitute “ non-standard ”;
- (h) after paragraph 1c (as numbered by sub-paragraph (c)) insert—

“2. Standard amendments are classified into four sub-categories taking into account the geographical area of the designation of origin or geographical indication affected by the amendment and whether the amendments are temporary as follows:

- (a) UK standard amendments;
- (b) UK temporary amendments;
- (c) third country standard amendments;
- (d) third country temporary amendments.

**2a.** A UK standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in the United Kingdom.

**2b.** A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a designation of origin or geographical indication for a geographical area in the United Kingdom:

- (a) resulting from the imposition of obligatory sanitary or phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
  - (i) the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
  - (ii) the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
  - (iii) the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
  - (iv) the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
  - (v) the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- (b) linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

**2c.** A third country standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in a third country.”;

- (i) in paragraph 2d (as renumbered by sub-paragraph (d))—
    - (i) for the words from the beginning to “1308/2013, a” substitute “ A third country ”;
    - (ii) after “specification” insert “ for a designation of origin or geographical indication relating to a geographical area in a third country ”;
    - (iii) after “authorities”, in both places it occurs, substitute “ of the third country ”.
- (12) In Article 15—
- (a) in the heading, for “**Union**” substitute “ **non-standard** ”;
  - (b) in paragraph 1—
    - (i) for “Union” substitute “ non-standard ”;
    - (ii) for “96” substitute “ 97 ”;
  - (c) in paragraph 2—
    - (i) for “Commission” substitute “ Secretary of State ”;

- (ii) for “it shall publish the application for a Union” substitute “ the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, the application for a non-standard ”;
  - (iii) omit the words from “in the *Official*” to “series”;
  - (iv) for the second sentence substitute—
    - “The Secretary of State, taking into account any admissible objection that has been lodged, must decide whether to approve or reject the application.”;
  - (d) in paragraph 3, for “Union”, in each place it occurs, substitute “ non-standard ”;
  - (e) in paragraph 4, for “Commission” substitute “ Secretary of State ”.
- (13) In Article 16—
  - (a) in the heading, for “**Union**” substitute “ **non-standard** ”;
  - (b) in paragraph 1—
    - (i) in the first and second subparagraphs, for “Union” substitute “ non-standard ”;
    - (ii) in the third subparagraph—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “Union” substitute “ non-standard ”;
  - (c) in paragraph 2, for the words from “competent” to “a third country” substitute “ applicant or, in the case of a third country application, the applicant established in, or the competent authorities of, the third country, ”.
- (14) In Article 17—
  - (a) in paragraph 1—
    - (i) for the first subparagraph substitute—
      - “1. UK standard amendments must be approved by the Secretary of State and made public in such manner as appears appropriate to the Secretary of State from time to time.”;
    - (ii) in the second subparagraph—
      - (aa) after “of a”, in both places it occurs, insert “ UK ”;
      - (bb) for the words from “authorities” to “relates” substitute “ Secretary of State ”;
      - (cc) for “Member State”, in the second place it occurs, substitute “ Secretary of State ”;
    - (iii) in the third subparagraph after “for a” insert “ UK ”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “Member State” substitute “ Secretary of State ”;
      - (bb) for “it” substitute “ the Secretary of State ”;
      - (cc) for “and make public the” substitute “ the UK ”;
    - (ii) omit the second subparagraph;
  - (c) after paragraph 2 insert—

“2a. After making a decision in relation to an application for a UK standard amendment, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
  - (i) informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
  - (ii) providing information about the right to appeal under Article 99a of Regulation (EU) No 1308/2013 against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the modified consolidated product specification and, where relevant, a copy of the modified consolidated single document.”;
- (d) in paragraph 3—
  - (i) after “approving” insert “ third country ”;
  - (ii) omit “concerning grapevine products originating in third countries”;
  - (iii) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
- (e) in paragraph 4, after “communication of” insert “ third country ”;
- (f) in paragraph 5—
  - (i) after “that the” insert “ third country ”;
  - (ii) for “Commission” substitute “ Secretary of State ”;
  - (iii) for the words from “the *Official*” to “series,” substitute “ such manner as appears appropriate to the Secretary of State from time to time ”;
  - (iv) omit “Member State,”;
- (g) in paragraph 6—
  - (i) after “that the” insert “ third country ”;
  - (ii) for the words from “Commission” to “2019/34” substitute “ Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time ”;
  - (iii) omit “Member State,”;
- (h) omit paragraph 7;
- (i) in paragraph 8—
  - (i) in the first subparagraph—
    - (aa) for “one Member State, the Member States concerned” substitute “ the United Kingdom, the Secretary of State ”;
    - (bb) for “their territory” substitute “ the United Kingdom and, in relation to the part of the area that does not fall within the United Kingdom, the procedure in paragraph 3 applies ”;
    - (cc) omit the second sentence;
    - (dd) for “Member State last” substitute “ authority of the third country ”;
    - (ee) for “Commission” substitute “ Secretary of State ”;
  - (ii) omit the second subparagraph;



(j) after paragraph 8 insert—

“9. If a geographical area covers more than the United Kingdom and the national decision necessary in relation to the part of the area in a third country is not taken or adopted by the authority of the third country, an application in relation to that part of the area may be submitted under the non-standard amendment procedure.

10. If a geographical area covers areas in two or more third countries and a national decision in relation to part of an area in a third country is not taken or adopted by the authority of the third country, an application in respect of the amendment in relation to the geographical area as a whole may be submitted under the non-standard amendment procedure.”.

(15) In Article 18—

(a) for paragraph 1 substitute the new paragraphs 1 to 1n in Part 2 of Schedule 8;

(b) in paragraph 2—

(i) for “more than one Member State” substitute “ areas in the United Kingdom and a third country, or areas in more than one third country ”;

(ii) for “the Member States concerned” substitute “ relation to the United Kingdom and the third country concerned, or in the respective third countries concerned, ”;

(iii) omit the second sentence;

(iv) in the third sentence—

(aa) for “The Member State last” substitute “ Paragraph 3 applies in relation to the communication of the decision of the authorities of the third country, or each third country, ”;

(bb) omit the words from “shall communicate” to the end;

(v) omit the fourth sentence;

(c) in paragraph 3—

(i) at the beginning insert “ Third country ”;

(ii) omit “concerning grapevine products originating in third countries”;

(iii) for “Commission” substitute “ Secretary of State ”;

(d) in paragraph 4, after “communication of” insert “ third country ”;

(e) in paragraph 5—

(i) in the first sentence—

(aa) for “Commission shall make public such amendments” substitute “ Secretary of State must, ”;

(bb) omit “Member State,”;

(cc) at the end insert “ publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of the third country temporary amendment and the period during which that temporary amendment is to apply ”;

(ii) omit the second sentence.

(16) In Article 19—

(a) in the first paragraph, for “96” substitute “ 97 ”;

- (b) in the second paragraph—
  - (i) for “Commission” substitute “ Secretary of State ”;
  - (ii) for the words from “the *Official*” to the end substitute “ such manner as appears appropriate to the Secretary of State from time to time ”.
- (17) In Article 21(2)—
  - (a) for “Commission” substitute “ Secretary of State ”;
  - (b) for “it” substitute “ the Secretary of State ”;
  - (c) omit “Member State or”.
- (18) In Article 22—
  - (a) in the heading, for “Temporary labelling and presentation” substitute “ Symbols ”;
  - (b) omit the first paragraph;
  - (c) in the second paragraph omit “Union” in each place it occurs;
  - (d) omit the third paragraph.
- (19) In Article 24(1)(a) omit “Member State or third”.
- (20) In Article 25(1)—
  - (a) omit “the Member States or”;
  - (b) after “in” insert “ the United Kingdom or ”.
- (21) In Article 26—
  - (a) in paragraph 2 omit—
    - (i) “of the Member State concerned”;
    - (ii) “third”;
  - (b) after paragraph 2 insert—
 

**“2a.** In the case of an application concerning a term originating in Great Britain, a copy of an enactment need not be provided under paragraph 2 where the title of the enactment is given together with its year and chapter, serial or other identifying number.

**2b.** In the case of an application concerning a term originating in Northern Ireland, a copy of the following enactments need not be provided under paragraph 2 where the title of the relevant enactment is given together with its year and chapter, serial or other identifying number:

    - (a) an Act that extends to Northern Ireland, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under such an Act that extends to Northern Ireland;
    - (b) Northern Ireland legislation and an enactment contained in an instrument made under Northern Ireland legislation but not any legislation that forms part of the domestic law of Northern Ireland by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”;
  - (c) in paragraph 4, for the words from “authorities” to “question” substitute “ applicant, in the case of an application concerning a term originating in the United Kingdom, or, in the case of an application concerning a term originating in a third country, the authorities of the third country or the applicant established in the third country in question, ”;
  - (d) after paragraph 4 insert—

“5. In paragraph 2a, ‘enactment’ means the following legislation whenever passed or made:

- (a) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
- (b) retained direct EU legislation, except to the extent that it extends to Northern Ireland;
- (c) an Act of the Scottish Parliament, and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (d) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.

(22) Article 27 is amended in accordance with paragraphs (23) to (25).

(23) In paragraph 1—

(a) in the first subparagraph—

(i) in point (b)—

(aa) in point (i) omit “Union or of the third”;

(bb) in point (ii) omit “Member State or third”;

(ii) in point (d), for “Member State's legislation or” substitute “legislation of the relevant country or, in the case of an application concerning a term originating in a third country, is”;

(b) after the second subparagraph insert—

“In point (d), ‘legislation of the relevant country’, in relation to the United Kingdom, includes legislation that does not apply to all the constituent nations of the United Kingdom but only applies to one or more of them.”.

(24) In paragraph 2(a) omit “Member State or third”.

(25) In paragraph 3, for “Union” substitute “United Kingdom”.

(26) In Article 28—

(a) in the heading, for “**Commission**” substitute “**Secretary of State**”;

(b) in paragraphs 1 and 2, for “Commission” substitute “Secretary of State”;

(c) in paragraph 3—

(i) for “Commission” substitute “Secretary of State”;

(ii) for the words from “it” to the end substitute “the Secretary of State must publish the application in such manner as appears appropriate to the Secretary of State from time to time”;

(d) in paragraph 4, for “Commission” substitute “Secretary of State”;

(e) in paragraph 5, for the words from “Commission” to the end substitute “Secretary of State must reject the application”;

(f) after paragraph 5 insert—

“6. After making a decision to reject an application under paragraph 5, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

- (a) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.

7. An implementing act to which paragraph 8 applies is revoked.

8. This paragraph applies to an implementing act adopted by the European Commission under Article 28 of EU Regulation 2019/33<sup>F88</sup> and incorporated into domestic law by section 3(1) of the EUWA.”.

(27) In Article 29, for “Commission” substitute “ Secretary of State ”.

(28) In Article 30—

- (a) in paragraph 1—
  - (i) in point (a) omit “Member State or”;
  - (ii) in point (b), for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 2, for the words from “Member” to the end substitute “ applicant, or, in the case of an application submitted by a third country authority, that authority ”.

(29) In Article 31—

- (a) in paragraph 1—
  - (i) in the first subparagraph—
    - (aa) for “Commission” substitute “ Secretary of State ”;
    - (bb) for “it” substitute “ the Secretary of State ”;
  - (ii) in the second subparagraph—
    - (aa) for “its” substitute “the Secretary of State's”;
    - (bb) for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 2, for “Commission” substitute “ Secretary of State ”;
- (c) in paragraph 3—
  - (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
  - (ii) for “it” substitute “ the Secretary of State ”;
  - (iii) omit the third sentence;
- (d) after paragraph 3 insert—

“**3a.** After making a decision about the application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State a notice:

- (a) informing the applicant, any objector and the public of the decision made in relation to the application and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.”;
- (e) in paragraph 4, in the first subparagraph, for “Commission”, in both places it occurs, substitute “ Secretary of State ”.

(30) In Article 32—

- (a) in paragraph 1(a), for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 3, in the first subparagraph—
  - (i) omit “where national legislation so provides,”;
  - (ii) for “Union” substitute “ United Kingdom ”;
  - (iii) for the words from “under Directive” to the end substitute “ in, or under, the TMA ”.

(31) After Article 32 insert the new Articles 32a and 32b in Part 3 of Schedule 8.

(32) In Article 34, after the second paragraph insert—

“An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act:

- (a) concerning a decision of the European Commission relating to an application to modify a traditional term registered in the European Union at the time the application was submitted,
- (b) adopted by the European Commission pursuant to Article 34 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article, and
- (c) incorporated into domestic law by section 3(1) of the EUWA.”.

(33) In Article 35—

- (a) in the first paragraph—
  - (i) for the words from the beginning to “Commission” substitute “ The Secretary of State ”;
  - (ii) omit “a Member State,”;
  - (iii) for “adopt implementing acts cancelling” substitute “ cancel ”;

(b) after the second paragraph insert—

“An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act adopted by the European Commission pursuant to Article 35 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article and incorporated into domestic law by section 3(1) of the EUWA.”.

(34) In Article 37—

- (a) in paragraph 1, in the first subparagraph, in point (a), for “Commission by a Member State,” substitute “ Secretary of State by ”;
- (b) in paragraph 2—
  - (i) for “Commission” substitute “ Secretary of State ”;
  - (ii) for “it” substitute “ the Secretary of State ”;
- (c) in paragraph 3, for “Commission” substitute “ Secretary of State ”.

(35) In Article 38—

- (a) in the heading, after “in” insert “ **Northern Ireland and** ”;
- (b) in paragraph 1—
  - (i) after “used in” insert “ Northern Ireland or ”;
  - (ii) for “legislation of” substitute “ legislation applying in Northern Ireland or ”;
- (c) in paragraph 2—
  - (i) after “originating” insert “ in Northern Ireland or ”;

- (ii) for the words from “the electronic” to “2019/34,” substitute “ Great Britain's Traditional Terms Register ”;
  - (iii) after “applicable in” insert “ Northern Ireland or ”;
  - (iv) for “including” substitute “ as relevant, including, in the case of a third country, ”.
- (36) For Article 39 substitute—

*“Article 39*

*Established protected traditional terms*

The Secretary of State must enter the names of established protected traditional terms on Great Britain's Traditional Terms Register. The entries are to be treated as taking effect on IP completion day.”.

- (37) In Chapter 3, after Section 5 insert the new Section 6 in Part 4 of Schedule 8.
- (38) In Article 42—
- (a) in paragraph 1, for “the Union” substitute “ Great Britain, moved to Northern Ireland ”;
  - (b) in paragraph 2—
    - (i) for the words from “Subsection” to “1308/2013” substitute “ the provisions of Regulation (EU) No 1308/2013 specified in paragraph 2a ”;
    - (ii) for “exported, Member States may” substitute “ moved to Northern Ireland or exported, the Secretary of State may, by administrative decision, ”;
    - (iii) for “Union labelling and presentation rules in force” substitute “ labelling and presentation rules in retained EU law ”;
    - (iv) after “legislation” insert “ that applies in Northern Ireland or ”;
  - (c) after paragraph 2 insert—

**“2a.** For the purpose of paragraph 2, the provisions of Regulation (EU) No 1308/2013 are:

- (a) Subsection 3 of Section 2 of Chapter 1 of Title 2 of Part 2;
- (b) the first paragraph of Article 118, except so far as it relates to the Food (Lot Marking) Regulations 1996 and Regulation (EU) No 1169/2011;
- (c) paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
- (d) points (d), (e) and (g) of Article 120(1);
- (e) paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
  - (i) the compulsory particulars specified in paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
  - (ii) the optional particulars specified in points (d), (e) and (g) of Article 120(1);
- (f) Article 121(2).

**2b.** By way of derogation from the provisions specified in paragraph 2c, where grapevine products are to be moved to Northern Ireland or exported, the appropriate authority may, by administrative decision, permit particulars and presentations which conflict with labelling and presentation rules in retained EU law if such particulars or presentations of the grapevine products are required by the legislation that applies in

Northern Ireland or of the third country in question. These particulars may appear in languages other than English.

**2c.** For the purpose of paragraph 2b, the provisions of Regulation (EU) No 1308/2013 are:

- (a) the first paragraph of Article 118 so far as it relates to:
  - (i) the Food (Lot Marking) Regulations 1996, and
  - (ii) Regulation (EU) No 1169/2011;
- (b) paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
- (c) Article 120, except for points (d), (e) and (g) of paragraph 1;
- (d) paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
  - (i) paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
  - (ii) Article 120, except for points (d), (e) and (g) of paragraph 1.”;
- (d) in paragraph 3, for the words from “Member” to “force” substitute “ the Secretary of State may use any power the Secretary of State may have to permit the use of presentations that conflict with presentation rules in force in retained EU law ”;
- (e) after paragraph 3 insert—

“4. In this Article, ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland.”.

(39) In Article 50—

- (a) in paragraph 1—
  - (i) in the words before point (a)—
    - (aa) for “the Union” substitute “ Great Britain ”;
    - (bb) after “produced in”, in the second place it occurs, insert “ Northern Ireland or ”;
  - (ii) in point (b)—
    - (aa) omit the first subparagraph;
    - (bb) in the second subparagraph, for the words from “Member” to “1308/2013,” substitute “ wines produced in Great Britain, ”;
  - (iii) in point (c)—
    - (aa) after “originating in” insert “ Northern Ireland or ”;
    - (bb) after “producers in” insert “ Northern Ireland or ”;
    - (cc) after “including” insert “ , in the case of a third country, ”;
    - (dd) after “and” insert “ , in both cases, ”;
- (b) in paragraph 2, in the second subparagraph omit the words from “and the equivalent” to “languages”;
- (c) in paragraph 3—
  - (i) in the first subparagraph, after “indication of” insert “ Northern Ireland or ”;

(ii) omit the second subparagraph.

(40) In Article 51—

- (a) number the first paragraph as paragraph 1;
- (b) number the second paragraph as paragraph 2;
- (c) number the third paragraph as paragraph 4;
- (d) number the fourth paragraph as paragraph 5;
- (e) in paragraph 1 (as numbered by sub-paragraph (a))—
  - (i) in the words before point (a), for the words from “Member” to “ ‘varietal wine’ ” substitute “nothing in this Regulation prevents regulations being made under the 1990 Act permitting the use of the term ‘varietal wine’ on grapevine products produced in Great Britain,”;
  - (ii) in point (a), for “of the Member State(s) concerned” substitute “ ‘United Kingdom’ ”;
- (f) in paragraph 2 (as numbered by sub-paragraph (b)), for “the first paragraph” substitute “paragraph 1 produced in a third country”;
- (g) after paragraph 2 (as numbered by sub-paragraph (b)) insert—

“3. Nothing in this Regulation prevents a relevant NI grapevine product from being placed on the market in Great Britain using the term ‘varietal wine’ supplemented by the name ‘United Kingdom’ if the law that applies in Northern Ireland permits the use of the term ‘varietal wine’ in relation to that product when marketed in Northern Ireland.”;

- (h) in paragraph 4 (as numbered by sub-paragraph (c)), for the words from “of the name(s)” to the end substitute “, pursuant to this Article, of the name ‘England’, ‘Northern Ireland’, ‘Scotland’, ‘Wales’ or ‘United Kingdom’ or the name of a third country”;
- (i) in paragraph 5 (as numbered by sub-paragraph (d)), for the words from “the United” to “State” substitute “a grapevine product to which paragraph 1 applies, the name ‘United Kingdom’”;
- (j) after paragraph 5 (as numbered by sub-paragraph (d)) insert—

“6. In the case of a grapevine product to which paragraph 3 applies, the name ‘United Kingdom’ may be replaced by the name ‘Northern Ireland’.

7. In paragraph 3, ‘relevant NI grapevine product’ means a grapevine product:

- (a) of a type referred to in any of points (1) to (9) or (16) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013,
- (b) that is produced in Northern Ireland from grapes harvested in the United Kingdom,
- (c) that does not bear a protected designation of origin or protected geographical indication or any other geographical indication, and
- (d) that bears the name of one or more wine grape varieties on its label.”.

(41) In Article 52—

- (a) in paragraph 4, for the words from “the Member” to “the third” substitute “ rules in the ”;
- (b) after paragraph 4 insert—



“5. For the purpose of paragraph 4, ‘rules’ includes:

- (a) in relation to a constituent nation of Great Britain, regulations made under the 1990 Act;
- (b) in relation to Northern Ireland, regulations made under the Food Safety (Northern Ireland) Order 1991<sup>F89</sup>”.

(42) In Article 53—

(a) in paragraph 2, in the first subparagraph—

- (i) in the first sentence, after “indication of” insert “ Northern Ireland or ”;
- (ii) in the second sentence omit “Member States and”;
- (iii) after the second sentence insert—

“Nothing in this Regulation prevents the use of other indications equivalent to those laid down in Annex 5 for such grapevine products of Northern Ireland if those other indications may be used, in accordance with the law that applies in Northern Ireland, on those products when marketed in Northern Ireland.”;

(b) in paragraph 3, in the words before point (a), after “indication of” insert “ Northern Ireland or ”;

(c) in paragraph 4, in the words before point (a), after “indication of” insert “ Northern Ireland or ”;

(d) in paragraph 5—

- (i) in the first subparagraph, in the words before point (a), after “indication of” insert “ Northern Ireland or ”;
- (ii) in the second subparagraph, after “indication of” insert “ Northern Ireland or ”.

(43) In Article 54(2) omit the first sentence.

(44) In Article 55—

(a) in paragraph 1, after “indication of” insert “ Northern Ireland or ”;

(b) in paragraph 2—

- (i) in the first subparagraph omit the second sentence;
- (ii) omit the third subparagraph.

(45) In Article 57—

(a) in paragraph 1—

- (i) in the first subparagraph, in the words before point (a), for “the Union” substitute “ Great Britain ”;
- (ii) in the second subparagraph, for “the Union” substitute “ Great Britain ”;

(b) in paragraph 2, for “Member States may decide” substitute “ regulations may be made under the 1990 Act to provide ”.

(46) In Article 58—

(a) in the heading omit “**laid down by the producing Member States**”;

(b) omit paragraph 1;

(c) in paragraph 2, for “Member States may” substitute “ Nothing in this Regulation prevents regulations from being made under the 1990 Act to ”;

(d) in paragraph 3—

- (i) for “Member States may decide” substitute “ nothing in this Regulation prevents regulations from being made under the 1990 Act ”;
- (ii) at the end insert “ where those grapevine products do not bear a protected designation of origin or geographical indication ”;
- (e) for paragraph 4 substitute—

“4. Nothing in this Regulation prevents regulations from being made for control purposes under the 1990 Act to apply Articles 118, 119(1) (other than point (b)) and 120(1) (other than point (d)) of Regulation (EU) No 1308/2013 to a grapevine product that:

- (a) has been bottled on their territory,
- (b) does not bear a protected designation of origin or geographical indication, and
- (c) has not been placed on the market.”.

(47) In Article 59—

- (a) for “Commission” substitute “ Secretary of State ”;
- (b) for “to 98 and Articles” substitute “ , 95, 97, 98, ”.

(48) For Article 61 substitute the new Article 61 in Part 5 of Schedule 8.

(49) After Article 62 omit the words from “This Regulation” to “States.”.

(50) Before Annex 1 insert the new Annexes A1 and A2 in Part 6 of Schedule 8.

(51) In Annex 1, for Part A substitute the new Part A in Part 7 of Schedule 8.

(52) For Annexes 2 and 3 substitute the new Annexes 2 and 3 in Part 8 of Schedule 8.

**F88** OJ No. L 9, 11.1.2019, p. 2.

**F89** [S.I. 1991/762 \(N.I. 7\)](#).

#### **Commencement Information**

**I26** Reg. 26 in force at 31.12.2020, see reg. 1(7)

### **Commission Implementing Regulation (EU) 2019/34**

**27.—**(1) Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks <sup>F90</sup> is amended as follows.

- (2) In Article 1(f) omit “Union”.
- (3) After Article 1 insert the new Article 1a in Part 1 of Schedule 9.
- (4) Omit Article 2.
- (5) In Article 3, for “Commission” substitute “ Secretary of State ”.
- (6) In Article 4—
  - (a) for paragraph 1 substitute—

“1. A joint application, as referred to in Article 95(3) of Regulation (EU) No 1308/2013, must be submitted to the Secretary of State by:

- (a) a group of producers in one of the countries in which part of the relevant geographical area is situated,
- (b) a single producer in one of the countries in which part of the relevant geographical area is situated in a case where, in relation to that country and that area, Article 3 of Delegated Regulation (EU) 2019/33 applies, or
- (c) through the authorities of a third country in which part of the relevant geographical area is situated.

**1a.** Where a joint application concerns a geographical area that includes an area in the United Kingdom, the application must fulfil the requirements laid down in Article 94 of Regulation (EU) No 1308/2013 in relation to that area, except for the requirement in paragraph 3 of that Article.

**1b.** Where a joint application concerns a geographical area that includes an area in a third country, the application must fulfil the requirements laid down in Article 94 of Regulation (EU) No 1308/2013 in relation to that area, including the requirement laid down in paragraph 3 of that Article.”;

(b) in paragraph 2—

- (i) for the words from “Member” to “a third country” substitute “ group of producers, single producer or third country authority ”;
- (ii) for “Commission”, in both place it occurs, substitute “ Secretary of State ”.

(7) In Article 5—

(a) in paragraph 1, for point (b) substitute—

- “(b) where the demarcated area, or any part of it, is situated in Great Britain, the name ‘Great Britain’;
- (ba) where the demarcated area, or any part of it, is situated in Northern Ireland, the name ‘Northern Ireland’;
- (bb) where the demarcated area, or any part of it, is situated in a third country, the name of the third country;”;

(b) in paragraph 3, for the words from “in accordance” to “use” substitute “ using ”.

(8) In Article 7—

(a) in paragraph 1—

(i) in the first subparagraph—

- (aa) for “Commission” substitute “ Secretary of State ”;
- (bb) for “Member State” substitute “ applicant ”;
- (cc) for the words from “or the” to “question” substitute “ , where relevant, ”;

(ii) in the second subparagraph—

- (aa) for “before the” substitute “ a ”;
- (bb) for the words from “is sent” to “lead to the” substitute “ , where relevant, and a ”;

- (cc) at the end insert “ must be submitted to the Secretary of State ”;
- (b) in paragraph 2—
  - (i) for “Member State” substitute “ applicant ”;
  - (ii) omit the words from “or the” to “question,”;
  - (iii) for “Commission” substitute “ Secretary of State ”;
- (c) in paragraph 3—
  - (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
  - (ii) for “it” substitute “ the Secretary of State ”;
  - (iii) for “Member State” substitute “ applicant ”;
  - (iv) for the words from “or the applicant” to “question” substitute “ , as relevant, ”.
- (9) In Article 8—
  - (a) in paragraph 1, in the first subparagraph, in point (a), for the words from “reference” to “series” substitute “ name of the proposed designation of origin or geographical indication ”;
  - (b) in paragraph 3, for “Commission” substitute “ Secretary of State ”.
- (10) In Article 9—
  - (a) in the heading, for “**Union**” substitute “ **non-standard** ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), for “Union” substitute “ non-standard ”;
    - (ii) in point (f), for “the electronic reference to the publication” substitute “ a copy ”;
  - (c) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “Union” substitute “ a non-standard ”;
      - (bb) for the words from “in accordance” to “use” substitute “ using ”;
    - (ii) in the second subparagraph omit the second and third sentences.
- (11) In Article 10—
  - (a) in the heading, at the end insert “ **concerning a grapevine product originating in a third country** ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) after “specification” insert “ concerning a grapevine product originating in a third country ”;
      - (bb) for “17” substitute “ 17(3) ”;
    - (ii) in point (c)—
      - (aa) at the beginning insert “ a copy of ”;
      - (bb) for “paragraphs 2 and 3 of Article 17” substitute “ Article 17(3) ”;
    - (iii) in point (e), for “the electronic reference to the publication” substitute “ a copy ”;
  - (c) omit paragraph 2;
  - (d) in paragraph 3—
    - (i) omit the words from the beginning to “countries,”;

- (ii) omit the second sentence;
  - (e) omit paragraph 4;
  - (f) in paragraph 5, for “referred to in paragraph 3” substitute “ to which this Article applies ”.
- (12) In Article 11—
  - (a) in the heading, at the end insert “ **concerning a grapevine product originating in a third country** ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) after “specification” insert “ concerning a grapevine product originating in a third country ”;
      - (bb) for “18” substitute “ 18(3) ”;
    - (ii) in point (b)—
      - (aa) for “Article 14(2)” substitute “ the words before point (a) of Article 14(2d) ”;
      - (bb) at the end insert “ as recognised by a competent authority in the third country in question ”;
    - (iii) after point (c) insert—
      - “(d) a consolidated copy of the product specification incorporating the approved temporary amendment in a way that makes the temporary amendment readily apparent.”;
  - (c) omit paragraph 2;
  - (d) in paragraph 3—
    - (i) omit the words from the beginning to “countries,”;
    - (ii) omit the second sentence;
  - (e) omit paragraph 4;
  - (f) in paragraph 5, for “referred to in paragraph 3” substitute “ to which this Article applies ”.
- (13) In Article 12—
  - (a) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) for the words from the beginning to “conferring” substitute “ Where the Secretary of State publishes a notice under Article 99(3) of Regulation (EU) No 1308/2013 relating to a decision of the Secretary of State to confer ”;
      - (bb) for “Commission” substitute “ Secretary of State ”;
      - (cc) at the end insert “ as soon as possible after the notice period expires ”;
    - (ii) omit points (f) to (h);
  - (b) after paragraph 1 insert—

**1a.** Following the publication of a notice referred to in paragraph 1, the Secretary of State must attach a copy of the single document and the product specification for the relevant designation of origin or geographical indication to the register.

**1b.** An entry for a designation of origin or geographical indication recorded in the register pursuant to paragraph 1 confers the protection for the designation of origin or

geographical indication referred to in Article 102 of Regulation (EU) No 1308/2013 and the entry in the register, and the provisions in the product specification attached to the register, for the designation of origin or geographical indication take effect immediately after:

- (a) the entry for the designation of origin or geographical indication is made in the register, and
- (b) the copy of the product specification for the designation of origin or geographical indication is attached to the register.”;
- (c) for paragraph 2 substitute the new paragraphs 2 to 21 in Part 2 of Schedule 9;
- (d) in paragraph 3—
  - (i) for the words from the beginning to “Commission shall” substitute “ Where the Secretary of State publishes a notice under Article 106 of Regulation (EU) No 1308/2013 (as it applies to cancellations by virtue of the first paragraph of Article 19 of Delegated Regulation (EU) 2019/33) relating to a decision of the Secretary of State to cancel a designation of origin or geographical indication, the Secretary of State must, as soon as possible after the notice period for the notice has expired, ”;
  - (ii) insert as the second sentence—
 

“The cancellation takes effect immediately after the name is deleted from the register.”;
- (e) omit paragraph 4.
- (14) After Article 12 insert the new Article 12a in Part 3 of Schedule 9.
- (15) In Chapter 2, in Section 6, in the heading omit “**Union**”.
- (16) In Article 14—
  - (a) in the heading omit “**Union**”;
  - (b) number the existing paragraph as paragraph 1;
  - (c) in paragraph 1 (as numbered by sub-paragraph (b))—
    - (i) omit “Union”;
    - (ii) for the words from “reproduced” to the end substitute “ the symbol for a protected designation of origin or protected geographical indication, as relevant, established pursuant to Article 12(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as laid down in the Annex to Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules ”;
  - (d) after paragraph 1 (as numbered by sub-paragraph (b)) insert—
 

“2. Where used, the symbol must be used in accordance with Article 13(2) of Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.”.
- (17) In Article 15—
  - (a) in paragraph 1, for “(EC) No 882/2004” substitute “ 2017/625 ”;

- (b) in paragraph 2—
  - (i) in the words before point (a) (and before point (aa) as inserted by paragraph (ii)), after “area in” insert “ Northern Ireland or ”;
  - (ii) before point (a) insert as point (aa)—
    - “(aa) in relation to a product produced in Northern Ireland, the authority designated for that purpose by regulation 4 of the Wine Regulations 2011 as that regulation extends to Northern Ireland;”;
  - (iii) in point (a), at the beginning insert “ in relation to a product produced in a third country, ”;
  - (iv) in point (b), at the beginning insert “ in relation to a product produced in Northern Ireland or a third country, ”;
- (c) in paragraph 3, in the second subparagraph, for the words from “and for” to “Regulation” substitute “ until 14th January 2021 ”;
- (d) omit paragraph 6.
- (18) Omit Article 16.
- (19) For Article 17 substitute—

#### *“Article 17*

##### *Names and addresses of competent authorities etc.*

The Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time, the names and addresses of the competent authority or control bodies responsible for carrying out checks relating to the use of protected designations of origin and protected geographical indications in Great Britain.”.

- (20) In Article 18—
  - (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
  - (b) in the words before point (a), for “Commission, at its” substitute “Secretary of State, at the Secretary of State's”.
- (21) In Article 19—
  - (a) in paragraph 1—
    - (i) in the second subparagraph, in the words before point (a), for “the Member State in which production takes place” substitute “ Great Britain ”;
    - (ii) in the third subparagraph—
      - (aa) omit “Member States opt to conduct”;
      - (bb) for “, they” substitute “ are carried out, the competent authority or the delegated body ”;
    - (iii) in the fourth subparagraph—
      - (aa) omit “Member States opt to conduct”;
      - (bb) for “, they” substitute “ is carried out, the competent authority or the delegated body ”;
  - (b) omit paragraph 5;
  - (c) in paragraph 6, for “5” substitute “ 4 ”;
  - (d) omit paragraphs 7 and 8;
  - (e) insert as the last paragraph—

“9. In this Article, ‘delegated body’ has the meaning given by point (5) of Article 3 of Regulation 2017/625.”.

(22) In Article 20—

(a) in point (b)(ii), for “Member States legislation or product specifications of” substitute “any other enactment relating to, or in the product specification of, the”;

(b) after the existing paragraph insert—

“In this Article, ‘enactment’ means the following legislation whenever passed or made:

(a) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;

(b) retained direct EU legislation, except to the extent that it extends to Northern Ireland.”.

(23) In Article 21—

(a) in paragraph 1, for the words from “Commission” to “in third countries” substitute “Secretary of State by a representative professional organisation established in the United Kingdom or a third country, as relevant, or, in the case of a third country, by a competent authority of that third country, ”;

(b) in paragraph 2—

(i) omit “established in a third country”;

(ii) for “Commission”, in both places it occurs, substitute “Secretary of State”.

(24) In Article 22—

(a) in paragraph 1—

(i) for “Member State, third country,” substitute “third country”;

(ii) for the words from “of publication” to “to in” substitute “on which the Secretary of State publishes the application under”;

(b) in paragraph 2, for “Commission” substitute “Secretary of State”.

(25) In Article 23(3)—

(a) for “Commission”, in both places it occurs, substitute “Secretary of State”;

(b) omit “the Member State or”;

(c) omit “established in the third country in question”.

(26) In Article 24—

(a) in paragraph 1, for “Commission” substitute “Secretary of State”;

(b) in paragraph 2—

(i) for “Commission” substitute “Secretary of State”;

(ii) for “its” substitute “the Secretary of State's”.

(27) In Article 25—

(a) in paragraph 1—

(i) in the words before point (a)—

(aa) for the words from the beginning to “conferring” substitute “Following the publication of a notice under Article 31(3a) of Implementing Regulation



- (EU) 2019/33 by the Secretary of State relating to a decision by the Secretary of State to confer ”;
- (bb) for “Commission” substitute “ Secretary of State ”;
- (cc) at the end insert “ as soon as possible after the notice period has expired ”;
- (ii) in point (e)—
  - (aa) omit “Member State or third”;
  - (bb) for “the third” substitute “ a third ”;
- (b) after paragraph 1 insert—

“**1a.** An entry made in Great Britain's Traditional Terms Register pursuant to paragraph 1 takes effect immediately after the entry relating to the traditional term is recorded in the register.”;

- (c) after paragraph 2 insert—

“**3.** A traditional term to which paragraph 4 applies may be entered in Great Britain's Traditional Terms Register where the condition in paragraph 5 is satisfied.

**4.** This paragraph applies to a traditional term used in a third country that must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties (‘the UK-third country agreement’).

**5.** The condition is that the traditional term is a traditional term that was protected in the European Union immediately before IP completion day pursuant to an international agreement to which the European Union and the third country were contracting parties.

**6.** The same protection is to be afforded to a traditional term entered in Great Britain's Traditional Terms Register pursuant to paragraph 3 as a traditional term included in the register following the approval of an application submitted in compliance with this Regulation and Delegated Regulation (EU) 2019/33.

**7.** In relation to the protection of a traditional term entered in Great Britain's Traditional Terms Register pursuant to paragraph 3, the following conditions apply to the use of the term:

- (a) insofar as relevant, any conditions laid down in the law of the third country relating to the use of the traditional term, and
- (b) any other conditions referred to, or laid down, in the UK-third country agreement relating to the use of the traditional term.

**8.** An entry recorded in the register pursuant to paragraph 3 is to be treated as taking effect:

- (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;

- (b) in any other case, immediately the entry is recorded in the register.”.
- (28) After Article 25 insert the new Article 25a in Part 4 of Schedule 9.
- (29) In Article 26, after “any” insert “ movement to Northern Ireland or ”.
- (30) In Article 27—
- (a) after paragraph 1 insert—
- “**1a.** After making a decision whether to approve a modification to a traditional term, the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice:
- (a) informing the applicant and the public of the decision made by the Secretary of State and the reasons for that decision, and
- (b) providing information about the right to appeal against the decision under Article 39a of Delegated Regulation (EU) 2019/33 and the period within which an appeal may be made.”;
- (b) in paragraph 2—
- (i) for “Commission approves” substitute “ Secretary of State publishes a notice under paragraph 1a relating to a decision of the Secretary of State to approve ”;
- (ii) for “it” substitute “ the Secretary of State ”;
- (iii) for the words from “with effect” to the end substitute “ in Great Britain's Traditional Terms Register as soon as possible after the notice period relating to that notice has expired ”;
- (c) after paragraph 2 insert—
- “**3.** The new specifications take effect immediately after they are recorded in Great Britain's Traditional Terms Register.”.
- (31) In Article 28(2), for “Commission”, in both places it occurs, substitute “ Secretary of State ”.
- (32) In Article 29—
- (a) in paragraph 1—
- (i) in the first subparagraph—
- (aa) for “Commission” substitute “ Secretary of State ”;
- (bb) for “it” substitute “ the Secretary of State ”;
- (cc) omit “the Member State or”;
- (dd) omit “established in the third country in question”;
- (ii) in the second subparagraph, for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 2—
- (i) omit “the Member State or”;
- (ii) omit “established in the third country in question”;
- (iii) for “Commission” substitute “ Secretary of State ”;
- (c) in paragraph 3—
- (i) in the first subparagraph—
- (aa) for “Commission” substitute “ Secretary of State ”;

- (bb) for “it” substitute “ the Secretary of State ”;
- (cc) for “It” substitute “ The Secretary of State ”;
- (ii) omit the second subparagraph;
- (d) after paragraph 3 insert—

“**3a.** After making a decision whether to cancel the protection of the traditional term, the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice:

- (a) informing the author of the cancellation request, the public and, where relevant, the third country authorities in question of the decision made by the Secretary of State and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 39a of Delegated Regulation (EU) 2019/33 against the decision and the period within which an appeal may be made.”;
- (e) in paragraph 4, in the first subparagraph, for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
- (f) in paragraph 5—
  - (i) for the words from the beginning to “shall” substitute “ Where the Secretary of State publishes a notice under paragraph 3a relating to a decision of the Secretary of State to cancel a traditional term, the Secretary of State must ”;
  - (ii) after “register” insert “ as soon as possible after the notice period for the notice has expired, ”;
  - (iii) insert as the second sentence—

“The cancellation takes effect immediately after the name of the traditional term is removed from the register.”.

(33) Article 30 is amended in accordance with paragraphs (34) to (38).

(34) In the heading, for “**Commission, the Member States**” substitute “ **Secretary of State, applicants** ”.

(35) In paragraph 1, for the words from “Commission as” to the end substitute “ Secretary of State by electronic mail, using the forms set out in Annexes 1 to 7 ”.

(36) Omit paragraph 2.

(37) In paragraph 3, for “Commission” substitute “ Secretary of State ”.

(38) In paragraph 4—

- (a) in the first subparagraph—
  - (i) omit the first sentence;
  - (ii) in the remaining sentence—
    - (aa) for the words from “point” to “2” substitute “ paragraphs 1 ”;
    - (bb) for “Commission to the Member States,” substitute “ Secretary of State to ”;
    - (cc) for “authorities and” substitute “ authorities of third countries, as well as ”;
    - (dd) for “of third countries, as well as” substitute “ and ”;
- (b) omit the second subparagraph.

(39) In Article 31—

- (a) in paragraph 1, for “Commission” substitute “ Secretary of State ”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “Commission” substitute “ Secretary of State ”;
    - (ii) in the second subparagraph—
      - (aa) for “It” substitute “ The Secretary of State ”;
      - (bb) for “Union amendment” substitute “ non-standard amendment, UK standard amendment or UK temporary amendment ”;
      - (cc) after “applications for”, in both places it occurs, insert “ third country ”;
    - (iii) in the fourth subparagraph, for “Commission” substitute “ Secretary of State ”;
  - (d) omit paragraph 4.
- (40) In Article 32—
- (a) for “Commission”, in the first place it occurs, substitute “ Secretary of State ”;
  - (b) for the words from “through” to the end substitute “ in such manner as appears appropriate to the Secretary of State from time to time ”.
- (41) In Article 33—
- (a) in the first paragraph—
    - (i) for “Union” substitute “ non-standard ”;
    - (ii) for the words from “in the” to the end substitute “ by the Secretary of State. They may be published in such manner as appears appropriate to the Secretary of State from time to time ”;
  - (b) in the second paragraph, for the words from “in the” to the end substitute “ by the Secretary of State. They may be published in such manner as appears appropriate to the Secretary of State from time to time ”.
- (42) After Article 34 omit the words from “This Regulation” to “States.”.
- (43) In Annex 1, in the section headed “2. **Third country to which the demarcated area belongs:**”—
- (a) in the heading, for “**Third**” substitute “ **Great Britain, Northern Ireland or third** ”;
  - (b) after the heading insert—
 

“[If more than one is relevant then list as relevant]”.
- (44) In Annex 2—
- (a) for the sections headed “1. **Name of product**” and “2. **Official reference**” substitute—
 

**“1 Name of product**

1. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013] ...

**2 Official reference**

2. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

Reference number: ...

Date of publication under Article 97(3) of Regulation (EU) No 1308/2013: ...”;

- (b) in the section headed ‘**3. Name of the objector (Person, body, Member State or Third Country)**’, in the heading omit ‘**, Member State**’.
- (45) In Annex 3—
- (a) for the sections headed “**1. Name of product**” and “**2. Official reference**” substitute—
- “1 Name of product**
1. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]
- 2 Official reference**
2. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]
- Reference number:
- Date of publication under Article 97(3) of Regulation (EU) No 1308/2013:”;
- (b) in the section headed “**3. Name of the objector (Person, body, Member State or Third Country)**”, in the heading omit ‘**, Member State**’.
- (46) In Annex 4—
- (a) in the heading, for “**UNION**” substitute “**NON-STANDARD**”;
- (b) for “EU No: [for EU use only]” substitute “GB No: [for official use only]”;
- (c) in the section headed “**2. Third country to which the demarcated area belongs**”—
- (i) in the heading, for “**Third**” substitute “**Great Britain, Northern Ireland or third**”;
- (ii) after the heading insert—
- “*If more than one is relevant then list as relevant*”;
- (d) in the section headed “**4. Type of amendment(s)**”, in the words in square brackets—
- (i) for “*Union*” substitute “*non-standard*”;
- (ii) for “*14(1)*” substitute “*14(1a)*”;
- (e) in the section headed “**6. Annexes**”, in the paragraph numbered 6.2 omit the words from “as” to the end.
- (47) In Annex 5—
- (a) in the heading, after “**A**” insert “**THIRD COUNTRY**”;
- (b) for “EU No: [for EU use only]” substitute “GB No: [for official use only]”;
- (c) in the section headed “**2. Description of the approved amendment(s)**”, in the wording in square brackets—
- (i) after “*for the*” insert “*third country*”;
- (ii) after “*definition of*” insert “*third country*”;
- (iii) for “*14(1)*” substitute “*14(2c)*”;
- (d) in the section headed “**4. Annexes**”—
- (i) in the paragraph numbered 4.1, after “approved” insert “third country”;
- (ii) in the paragraph numbered 4.2, after “approving the” insert “third country”;
- (iii) in the paragraph numbered 4.5 omit the words from “as” to the end.
- (48) In Annex 6—

- (a) in the heading, after “A” insert “**THIRD COUNTRY**”;
  - (b) for “EU No: [for EU use only]” substitute “GB No: [for official use only]”;
  - (c) in the section headed “2. **Description of the approved amendment(s)**”, in the wording in square brackets—
    - (i) after “*for the*” insert “*third country*”;
    - (ii) after “*definition of*” insert “*third country*”;
    - (iii) for “14(2)” substitute “14(2d)”;
  - (d) in the section headed “4. **Annexes**”—
    - (i) in the paragraph numbered 4.1, after “approved” insert “third country”;
    - (ii) in the paragraph numbered 4.2, after “the” insert “third country”.
- (49) In Annex 7—
- (a) for “EU No: [for EU use only]” substitute “GB No: [for official use only]”;
  - (b) in the section headed “2. **Member State or Third Country to which the demarcated area belongs**”—
    - (i) in the heading, for “**Member State**” substitute “**Great Britain, Northern Ireland**”;
    - (ii) after the heading insert—
 

“*[If more than one is relevant then list as relevant]*”;
  - (c) in the section headed “3. **Person, body, Member State or Third Country making the cancellation request**”, in the heading omit “, **Member State**”.
- (50) In Annex 8—
- (a) for “*[to be completed by the Commission]*”, in both places it occurs, substitute “*[for official use only]*”;
  - (b) omit “Language of the application ...”;
  - (c) in the section headed “**Applicant**” omit “Competent authority of the Member State (\*)”.
- (51) In Annex 9—
- (a) for “*[to be completed by the Commission]*”, in both places it occurs, substitute “*[for official use only]*”;
  - (b) omit “Language of the objection ...”;
  - (c) in the section headed “**Objector**” omit “*Member State or*”;
  - (d) in the section headed “**Intermediary**”—
    - (i) omit the first indent;
    - (ii) for the second indent substitute—
 

“Third country authority (optional)”;
    - (iii) omit “*[(\*) delete as appropriate]*”.
- (52) In Annex 10—
- (a) for “*[to be completed by the Commission]*”, in both places it occurs, substitute “*[for official use only]*”;
  - (b) omit “Language of request of modification ...”.
- (53) In Annex 11—
- (a) for “*[to be completed by the Commission]*”, in both places it occurs, substitute “*[for official use only]*”;

(b) omit “Language of request of cancellation ...”.

(54) Omit Annex 12.

**F90** EUR 2019/34; prospective amendments were included in [S.I. 2019/759](#). They would have come into force on IP completion day. They are omitted by regulation 4 of this instrument and are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 27 of, and Schedule 9 to, this instrument.

#### **Commencement Information**

**I27** Reg. 27 in force at 31.12.2020, see reg. 1(7)

### **Regulation (EU) 2019/787 of the European Parliament and of the Council**

**28.**—(1) Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages is amended as follows.

(2) In Article 3—

- (a) in point (5), for “Regulation (EC) No” substitute “ EU Regulation ”;
- (b) in point (7), for “Union” substitute “ United Kingdom ”;
- (c) after point (7) <sup>F91</sup> insert points (8) to (15) in Part 1 of Schedule 10.

(3) In Article 16—

- (a) in the heading omit “**Union**”;
- (b) in the paragraph omit “Union”.

(4) For Article 20 substitute—

#### *“Article 20*

#### *Power to make regulations: symbol*

The Secretary of State may, by regulations, make rules on the use of the symbol referred to in Article 16 in the description, presentation and labelling of spirit drinks.”.

(5) In Article 21—

- (a) in paragraph 3, for “the Union” substitute “ Great Britain ”;
- (b) in paragraph 4, for “the customs territory of the Union” substitute “ Great Britain ”.

(6) In Article 22—

- (a) in paragraph 1, in the second subparagraph omit the words from “, taking” to the end;
- (b) in paragraph 2, for “Regulation (EC) No 110/2008” substitute “ EU Regulation 110/2008 <sup>F92</sup> as it had effect in Great Britain before that day ”.

(7) In Article 23—

- (a) in paragraph 1, in the second subparagraph omit “the publication reference of the product specification and”;
- (b) omit paragraph 2.

(8) Article 24 is amended in accordance with paragraphs (9) to (14).

(9) In paragraph 2—

- (a) for “a Member State may” substitute “ the Secretary of State may, on application to the Secretary of State, ”;
  - (b) omit “dossier”;
  - (c) for “23(2)” substitute “ 23 ”.
- (10) In paragraph 4—
- (a) in the first subparagraph omit “Member States or third”;
  - (b) in the second subparagraph—
    - (i) in the first sentence—
      - (aa) for “Commission by a Member State concerned, or” substitute “ Secretary of State ”;
      - (bb) omit “in a third country concerned, directly”;
      - (cc) for “of that third country after consultation” substitute “ of a third country concerned, after consultation, in both cases, ”;
    - (ii) omit the second sentence;
    - (iii) in the last sentence, for “in all Member States and third” substitute “ , as relevant, in all the ”.
- (11) In paragraph 5—
- (a) in the first subparagraph—
    - (i) for “a Member State” substitute “ the United Kingdom ”;
    - (ii) for “authorities of that Member State” substitute “ Secretary of State ”;
  - (b) omit the second subparagraph.
- (12) Omit paragraphs 6 and 7.
- (13) In paragraph 8, for “Commission” substitute “ Secretary of State ”.
- (14) In paragraph 9, for “Commission” substitute “ Secretary of State ”.
- (15) Omit Article 25.
- (16) In Article 26—
- (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
      - (bb) for “it”, in the first place it occurs, substitute “ the Secretary of State ”;
      - (cc) for “outside the Member State of application” substitute “ both inside and outside of Great Britain ”;
    - (ii) in the second subparagraph—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “it” substitute “ the Secretary of State ”;
      - (cc) omit “Member State or third”;
      - (dd) after the second sentence insert—
 

“In a case of an application relating to an area in more than one country, the names of all the relevant countries must be stated on the list.”;
  - (c) in paragraph 2—



- (i) for “Commission” substitute “ Secretary of State ”;
  - (ii) for the words from “it” to the end substitute “ the Secretary of State must publish the product specification referred to in Article 23(1)(b) and the single document referred to in Article 23(1)(c) in such manner as appears appropriate to the Secretary of State from time to time ”.
- (17) In Article 27—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for the words from “of publication” to “in a third country” substitute “ on which the product specification and single document are published in accordance with Article 26(2), a natural or legal person having a legitimate interest (whether established in Great Britain or elsewhere), or the authorities of a third country, ”;
      - (bb) for “Commission” substitute “ Secretary of State ”;
    - (ii) omit the second subparagraph;
    - (iii) in the last subparagraph—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “authority or body” substitute “ applicant or authority ”;
  - (b) in paragraph 2, for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “authority or body” substitute “ applicant or authority ”;
    - (ii) in the second subparagraph—
      - (aa) for “authority or body” substitute “ applicant or authority ”;
      - (bb) for “Commission” substitute “ Secretary of State ”;
    - (iii) in the third subparagraph—
      - (aa) for “authorities of the Member State or” substitute “ applicant that submitted the application or the authorities ”;
      - (bb) for “Commission” substitute “ Secretary of State ”;
      - (cc) omit “of a Member State or”;
    - (iv) in the fourth and fifth subparagraphs, for “Commission” substitute “ Secretary of State ”;
  - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”;
  - (e) in paragraph 5, for “Commission” substitute “ Secretary of State ”.
- (18) In Article 28—
  - (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;
  - (b) in paragraph 2, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(b) as it relates to Article 35(1), the opposition must be assessed in relation to the territory of the United Kingdom ”.
- (19) In Article 29—

- (a) in paragraph 1—
    - (i) in the first subparagraph, in the words before point (a)—
      - (aa) for “Commission may adopt implementing acts granting” substitute “ Secretary of State may, by regulations, grant ”;
      - (bb) for the words from “spirit” to “country” substitute “ a spirit drink, wherever it originates from ”;
      - (cc) for “they were marketed” substitute “ it was marketed in Great Britain ”;
      - (dd) omit “Article 24(6) or”;
    - (ii) omit the second subparagraph;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) in the words before point (a), for “Commission may adopt implementing acts extending” substitute “ Secretary of State may, by regulations, extend ”;
      - (bb) in point (a), for “Commission” substitute “ Secretary of State ”;
    - (ii) omit the second subparagraph.
- (20) In Article 30—
- (a) in paragraph 1—
    - (i) in the first sentence—
      - (aa) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
      - (bb) for “it”, in the first place it occurs, substitute “ the Secretary of State ”;
      - (cc) for “Member State or third country applicant” substitute “ applicant or the authorities of the third country ”;
      - (dd) for “it”, in the second place it occurs, substitute “ the applicant or the authorities, as applicable, ”;
    - (ii) in the second sentence—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “it”, in the first place it occurs, substitute “ the Secretary of State ”;
      - (cc) for “it shall, by means of implementing acts,” substitute “ the Secretary of State must ”;
    - (iii) omit the last sentence;
  - (b) in paragraph 2—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) for the words from “it” to “47(2), to” substitute “ the Secretary of State must ”;
    - (iii) at the end insert “ in Great Britain's GIs Register ”;
  - (c) in paragraph 3—
    - (i) in the words before point (a)—
      - (aa) for “Commission” substitute “ Secretary of State ”;
      - (bb) for “it” substitute “ the Secretary of State ”;
    - (ii) in point (a), for the words from “by” to “47(2),” substitute “ in Great Britain's GIs Register ”;

- (iii) in point (b), for the words from “adopt” to the end substitute “ decide whether to register the name, and, if the Secretary of State decides to do so, register the name in Great Britain's GIs Register ”;
- (d) after paragraph 4 insert—

“5. After making a decision under this Article, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
  - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
  - (ii) providing information about the right to appeal under Article 43 against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved product specification.

6. An implementing act to which paragraph 7 applies is revoked.

7. This paragraph applies to an implementing act adopted by the European Commission under Article 30 of EU Regulation 2019/787 <sup>F93</sup> and incorporated into domestic law by section 3(1) of the EUWA.”.

(21) In Article 31—

- (a) in paragraph 3, number the third subparagraph as paragraph 8;
- (b) renumber paragraph 4 as paragraph 9;
- (c) renumber paragraph 5 as paragraph 11;
- (d) renumber paragraph 6 as paragraph 12;
- (e) in paragraph 2—
  - (i) in point (a)—
    - (aa) for “Union”, in the first place it occurs, substitute “ non-standard ”;
    - (bb) for “at Union level” substitute “ under Article 27, as applied to applications for non-standard amendments by paragraph 9 ”;
  - (ii) in point (b)—
    - (aa) after “amendments” insert “ . Standard amendments to a product specification for a geographical indication relating to an area in a third country are ”;
    - (bb) omit “Member State or”;
- (f) in paragraph 3, in the words before point (a), for “Union” substitute “ non-standard ”;
- (g) after the second subparagraph of paragraph 3 insert—

“4. Standard amendments are classified into four sub-categories taking into account the geographical area of the geographical indication affected by the amendment, the reason for the amendments and whether the amendments are being applied for on a temporary basis, as follows:

- (a) UK standard amendments;

- (b) UK temporary amendments;
- (c) third country standard amendments;
- (d) third country temporary amendments.

5. A UK standard amendment is a standard amendment of a product specification for a geographical indication relating to a geographical area in the United Kingdom.

6. A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a geographical indication relating to a geographical area in the United Kingdom:

- (a) resulting from the imposition of obligatory sanitary and phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
  - (i) the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
  - (ii) the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
  - (iii) the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
  - (iv) the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
  - (v) the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- (b) linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

7. A third country standard amendment is a standard amendment of a product specification for a geographical indication relating to a geographical area in a third country.”;

- (h) in paragraph 8 (as numbered by sub-paragraph (a))—
  - (i) after “A” insert “ third country ”;
  - (ii) after “considered a” insert “ third country ”;
  - (iii) after “authorities”, in both places it occurs, insert “ of the third country concerned ”;
- (i) in paragraph 9 (as renumbered by sub-paragraph (b))—
  - (i) for “Union”, in the first place it occurs, substitute “ Non-standard ”;
  - (ii) for “Commission” substitute “ Secretary of State ”;
  - (iii) for “Union”, in the second place it occurs, substitute “ non-standard ”;
- (j) after paragraph 9 (as renumbered by sub-paragraph (b)) insert—

“10. A UK standard amendment and a UK temporary amendment must be approved by the Secretary of State.”;

(k) in paragraph 11 (as renumbered by sub-paragraph (c))—

(i) omit the first sentence;

(ii) in the second sentence, for “As regards third countries,” substitute “ Third country standard amendments and third country temporary ”;

(l) after paragraph 12 (as renumbered by sub-paragraph (d)) insert—

“13. An implementing act to which paragraph 14 applies is revoked.

14. This paragraph applies to an implementing act:

(a) concerning a decision of the European Commission relating to an application to amend a product specification for a geographical indication protected in the European Union at the time the application was submitted,

(b) adopted by the European Commission pursuant to Article 31 of EU Regulation 2019/787 following the procedure referred to in paragraph 4 of that Article, and

(c) incorporated into domestic law by section 3(1) of the EUWA.”.

(22) In Article 32—

(a) in paragraph 1, in the first subparagraph, in the words before point (a)—

(i) for “Commission may, on its” substitute “Secretary of State may, on the Secretary of State's”;

(ii) omit “adopt implementing acts to”;

(b) in paragraph 2—

(i) for “Commission” substitute “ Secretary of State ”;

(ii) for “adopt implementing acts cancelling” substitute “ cancel ”;

(c) in paragraph 3—

(i) for the words from “adopting” to “unless” substitute “ taking a decision to cancel a geographical indication, the Secretary of State must consult the original applicant. In the case of a geographical indication relating to an area in a third country, the Secretary of State must, where possible, consult the third country applicant who originally applied for the registration of the geographical indication or, where this is not possible, the authorities of the relevant third country. The provisions of this paragraph do not apply if ”;

(ii) for “those original applicants” substitute “ the original applicant ”;

(d) omit paragraph 4;

(e) insert at the end as paragraphs 5 to 7—

“5. An implementing act to which paragraph 6 applies is revoked.

6. This paragraph applies to an implementing act adopted by the European Commission under Article 32 of EU Regulation 2019/787 and incorporated into domestic law by section 3(1) of the EUWA.

7. In this Article, in relation to a geographical indication to which paragraph 1 or 2 applies, ‘the original applicant’ means the person who submitted the application to the Secretary of State under Article 24 that resulted in the Secretary of State making the decision to register the geographical indication under this Regulation.”.

(23) In Article 33—

- (a) in paragraph 1, for the words from “Commission” to “establishing” substitute “ Secretary of State must establish and maintain ”;
- (b) in paragraph 2—
  - (i) in the second subparagraph, for the words from “provide” to the end substitute “ contain a copy of the single document and product specification for each geographical indication ”;
  - (ii) in the fourth subparagraph, for the words from “Commission” to “by” substitute “ Secretary of State may make regulations ”;
- (c) in paragraph 3—
  - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
  - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
  - (iii) at the end insert—
 

“The entry in the register is to be treated as taking effect:

    - (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
    - (b) in any other case, immediately the entry is entered in the register.”.

(24) In Article 35—

- (a) in paragraph 1, in the second subparagraph—
  - (i) in point (a), for “the Union” substitute “ Great Britain ”;
  - (ii) in point (b) omit “Union or national”;
- (b) after paragraph 3 insert—

“4. In this Article, ‘the relevant legislation’ means the following legislation whenever passed or made:

- (a) an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) retained direct EU legislation;
- (c) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

- (d) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
  - (e) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.
- (25) In Article 36(2)—
  - (a) omit the words from “if” to “concerned,”;
  - (b) for “Union” substitute “ United Kingdom ”;
  - (c) for “Commission” substitute “ Secretary of State ”;
  - (d) for the words from “under” to the end substitute “ in, or under, the Trade Marks Act 1994 ”.
- (26) In Article 37—
  - (a) in the heading, for “**Existing registered**” substitute “ **Established** ”;
  - (b) in the first sentence, for the words from the beginning to “that Regulation” substitute “ Established geographical indications ”;
  - (c) in the second sentence—
    - (i) for “Commission” substitute “ Secretary of State ”;
    - (ii) at the end insert “ and the registration takes effect on IP completion day ”.
- (27) Article 38 is amended in accordance with paragraphs (28) to (34).
- (28) In paragraph 1—
  - (a) for “Member States” substitute “ The Secretary of State ”;
  - (b) after “drinks” insert “ in Great Britain ”.
- (29) In paragraph 2—
  - (a) in the first subparagraph—
    - (i) in the words before point (a), for “the Union” substitute “ Great Britain ”;
    - (ii) for point (a) and the “or” following it substitute—
      - “(a) the authority designated for that purpose by regulation 5 of the Spirit Drinks Regulations 2008 <sup>F94</sup> as that regulation extends to Great Britain; or”;
    - (iii) in point (b)—
      - (aa) for “control” substitute “ delegated ”;
      - (bb) for “(EC) No 882/2004” substitute “ (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ”;
  - (b) in the second subparagraph, for “a Member State applies Article 24(2)” substitute “ Article 24(2) applies ”;
  - (c) omit the third subparagraph.
- (30) After paragraph 2 insert—

“**2a.** But, to the extent specified in paragraph 2b, paragraph 2 does not apply where the authority referred to in paragraph 2(a) or a delegated body referred to in paragraph 2(b) has previously verified that the relevant spirit drink complies with the specifications in a corresponding EU product specification for a corresponding EU geographical indication in connection with the placing of the relevant spirit drink on the market in Northern Ireland.

**2b.** Paragraph 2a applies to the extent that the specifications in the corresponding EU product specification for the corresponding EU geographical indication are the same as the specifications in the GB product specification for the registered geographical indication.”.

(31) In paragraph 3—

- (a) in the words before point (a), after “within” insert “ Northern Ireland or ”;
- (b) after the words before point (a) insert as point (aa)—

“(aa) in relation to a product produced in Northern Ireland, the authority designated for that purpose by regulation 5 of the Spirit Drinks Regulations 2008 <sup>F95</sup> as that regulation extends to Northern Ireland;”;

- (c) in point (a), at the beginning insert “ in relation to a product produced in a third country, ”;
- (d) in point (b), at the beginning insert “ in relation to a product produced in Northern Ireland or a third country, ”.

(32) For paragraph 4 substitute—

“**4.** The Secretary of State must:

- (a) publish, in such manner as appears appropriate to the Secretary of State, the names and addresses of the competent authorities and bodies referred to in paragraphs 2 and 3, and
- (b) update that information in such manner as appears appropriate to the Secretary of State from time to time.”.

(33) In paragraph 5—

- (a) for “control” substitute “ delegated ”;
- (b) omit the words from “or” to the end.

(34) After paragraph 6 insert—

“**7.** In relation to a relevant spirit drink that is to be placed on the market in Great Britain—

- (a) ‘a corresponding EU geographical indication’ means a geographical indication which is protected in the European Union under EU Regulation 2019/787 and that corresponds to the registered geographical indication;
- (b) ‘a corresponding EU product specification’ means—
  - (i) a product specification for a corresponding EU geographical indication, as that product specification stands at the time when, but for paragraph 2a, the authority or a delegated body referred to in paragraph 2 would otherwise be obliged, under paragraph 2, to verify that the relevant spirit drink complies with the specifications in the GB product specification for the registered geographical indication, or
  - (ii) a technical file for a corresponding EU geographical indication that is deemed to be a product specification under Article 22 of EU Regulation 2019/787 by virtue of Article 22(2) of that Regulation as that product specification stands at the time when, but for paragraph 2a, the authority or a delegated body referred to in paragraph 2 would otherwise be obliged, under paragraph 2, to verify that the relevant spirit drink complies with the specifications in the GB product specification for the registered geographical indication;



- (c) ‘the GB product specification’ means the product specification referred to in Article 22(1) for the registered geographical indication and includes a technical file for a registered geographical indication that is deemed to be a product specification under that Article by virtue of Article 22(2).”.

(35) In Article 39—

- (a) in paragraph 1—
  - (i) for “Member States shall carry out checks” substitute “ Checks must be carried out ”;
  - (ii) omit “shall take”;
  - (iii) after “measures” insert “ must be taken ”;
- (b) in paragraph 2—
  - (i) in the first subparagraph—
    - (aa) omit “Member States shall take”;
    - (bb) after “steps” insert “ must be taken ”;
    - (cc) for “their territory” substitute “ Great Britain ”;
  - (ii) in the second subparagraph—
    - (aa) for “Member States shall designate the authorities that” substitute “ the authorities designated in regulation 6 of the Spirit Drinks Regulations 2008 in relation to this Article, as that regulation extends to Great Britain, ”;
    - (bb) omit the words from “, in” to the end;
- (c) in paragraph 3—
  - (i) omit the first sentence;
  - (ii) in the second sentence—
    - (aa) for “Commission” substitute “ Secretary of State ”;
    - (bb) at the end insert “ in such manner as appears appropriate to the Secretary of State from time to time ”.

(36) In Article 40—

- (a) in paragraph 1, for “(EC) No 882/2004” substitute “ (EU) 2017/625 ”;
- (b) in paragraph 2—
  - (i) for “Member States” substitute “ The Secretary of State ”;
  - (ii) for “41 to 43 of Regulation (EC) No 882/2004” substitute “ 109(1), 110(2) and 111(2) of Regulation (EU) 2017/625 ”;
- (c) in paragraph 3, for “44(1) of Regulation (EC) No 882/2004” substitute “ Article 113(1) of Regulation (EU) 2017/625 ”.

(37) In Article 41—

- (a) for the heading substitute— “ Article 41 Power to make supplementary provisions by regulations ”;
- (b) in paragraph 1—
  - (i) in the words before point (a), for the words from “Commission” to “46” substitute “ Secretary of State may make regulations ”;
  - (ii) in point (b)—
    - (aa) omit the words from the beginning to “24,”;
    - (bb) for “Commission” substitute “ Secretary of State ”;

- (c) in paragraph 2—
  - (i) for the words from “Commission” to “46” substitute “ Secretary of State may make regulations ”;
  - (ii) for “the Union” substitute “ non-standard ”.
- (38) In Article 42—
  - (a) for the heading substitute— “ Article 42 Power to make detailed rules by regulations ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
    - (ii) in point (c)—
      - (aa) for “Union amendments” substitute “ non-standard, UK standard and UK temporary amendments as referred to in Article 31(3), (5) and (6) respectively, ”;
      - (bb) for “standard and” substitute “ third country standard and third country ”;
      - (cc) for “31(4) and (5)” substitute “ 31(7) and (8) ”;
    - (iii) in point (e) omit “by the Member States”;
  - (c) in paragraph 2, for the words from “Commission” to “acts” substitute “ Secretary of State may make regulations ”;
  - (d) omit paragraph 3.
- (39) After Chapter 3 insert the new Chapter 4 in Part 2 of Schedule 10.
- (40) For Article 46 substitute—

*“Article 46*

*Regulations*

**[F<sup>96</sup>1.** Regulations made under this Regulation are to be made by statutory instrument.

**1A.** A statutory instrument containing regulations under Article 36d(4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

**1B.** Any other statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.]

**2.** Such regulations may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
- (b) make different provision for different purposes.

**3.** In this Article, ‘enactment’ means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that the enactment extends to Northern Ireland;
  - (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
  - (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.”.
- (41) Omit Article 47.
- (42) In Article 49—
- (a) omit paragraphs 1 and 2;
  - (b) in paragraph 3—
    - (i) after “shall” insert “, so far as they relate to matters previously covered by Chapter 3 of Regulation (EC) No 110/2008 as it had effect in EU law before it was repealed by Article 49 of EU Regulation 2019/787, ”;
    - (ii) for “correlation table” substitute “ entries in the correlation table relating to that Chapter ”.
- (43) In Article 50—
- (a) omit paragraph 1;
  - (b) omit paragraph 4;
  - (c) in paragraph 6—
    - (i) in the first sentence, for the words from “geographical” to the end substitute “ an established geographical indication originally registered in accordance with EU Regulation 110/2008 the Secretary of State must, at the request of any natural or legal person having a legitimate interest, or, in the case of an established geographical indication relating to an area in a third country, via the authorities of the third country, publish a single document relating to the geographical indication submitted by that applicant or authority ”;
    - (ii) in the second sentence—
      - (aa) for “the publication reference” substitute “ a copy ”;
      - (bb) after “and” insert “ , unless the Secretary of State decides otherwise, ”.
- (44) After Annex 1 insert the new Annex 2 in Part 3 of Schedule 10.

- F91** Points (8) to (12) of Article 3 of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1), as that Article stands immediately before IP completion day, do not form part of domestic law because those points were not operative immediately before IP completion day so are not provisions of EU law to which section 3 of the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#) applies.
- F92** OJ No. L 39, 13.2.2008, p. 16, last amended by Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1).
- F93** OJ No. L 130, 17.5.2019, p. 1.
- F94** The Commissioners for Her Majesty's Revenue and Customs are designated as the authority responsible for the purpose of verifying compliance with product specifications pursuant to Article 38 of EUR 2019/787 in relation to products produced in Great Britain by regulation 5 of the Spirit Drinks Regulations 2008 as that regulation extends to Great Britain ([S.I. 2018/3206](#) as amended by [S.I. 2019/1289](#) and regulation 10 of this instrument).
- F95** The Commissioners for Her Majesty's Revenue and Customs are designated as the authority responsible for the purpose of verifying compliance with product specifications pursuant to Article

38 of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) in relation to products produced in Northern Ireland by regulation 5 of the Spirit Drinks Regulations 2008 as that regulation extends to Northern Ireland (S.I. 2018/3206 as amended by S.I. 2019/1289 and regulation 13 of this instrument).

**F96** Words in reg. 28(40) substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(6)**

#### Commencement Information

**I28** Reg. 28 in force at 31.12.2020, see reg. 1(7)

### Commission Delegated Regulation (EU) 2019/934

**29.**—(1) Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files <sup>F97</sup> is amended as follows.

(2) In Article 1, omit “wine-growing areas where the alcoholic strength may be increased.”.

(3) After Article 1 insert—

*“Article 1a*

*Definitions*

In this Regulation:

- (a) ‘the 1990 Act’ means the Food Safety Act 1990;
  - (b) ‘appropriate authority’ means:
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Scotland, the Scottish Ministers;
    - (iii) in relation to Wales, the Welsh Ministers;
  - (c) ‘constituent nation’ means England, Scotland or Wales as the case may be.”.
- (4) Omit Article 2.
- (5) In Article 4—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “each Member State may authorise” substitute “the appropriate authority may, on application, authorise, in particular cases, by administrative decision”;
    - (ii) in point (c)—
      - (aa) for “Member State” substitute “appropriate authority”;
      - (bb) for “Commission and the other Member States” substitute “other appropriate authorities”;
  - (b) in paragraph 2, for the words from “Member State other” to “of the Member State” substitute “constituent nation other than the constituent nation concerned provided the appropriate authority authorising the experiment gives prior notification to the appropriate authority of the constituent nation”;
  - (c) in paragraph 3—

- (i) for “Member State” substitute “ appropriate authority ”;
- (ii) for “Commission”, in the first place it occurs, substitute “ other appropriate authorities ”;
- (iii) omit the final sentence;
- (d) in paragraph 4—
  - (i) in the first sentence—
    - (aa) for “Member State concerned” substitute “ appropriate authority that authorised the experiment ”;
    - (bb) for “Commission” substitute “ other appropriate authorities ”;
  - (ii) for the second sentence substitute—

“The applicant must submit appropriate supporting information with the application.”;
  - (iii) for the final sentence substitute—

“An application for authorisation to continue an experiment must be approved by the other appropriate authorities.”;
- (e) omit paragraph 5.
- (6) In Article 10—
  - (a) in paragraph 1, for “Member States may authorise” substitute “ nothing in this Regulation prevents regulations from being made under the 1990 Act authorising ”;
  - (b) for paragraph 3 substitute—

“3. Nothing in this Regulation prevents regulations from being made under the 1990 Act:

    - (a) requiring denaturing agents or indicators to be added to wines referred to in the first sentence of paragraph 1 in order to make them more easily identifiable;
    - (b) where the appropriate authority is of the opinion that it is justified, prohibiting uses provided for in the second sentence of paragraph 1 and requiring relevant products to be destroyed.”;
  - (c) in paragraph 4, for “Union or national rules in force” substitute “ law that was in force in the relevant constituent nation immediately ”.
- (7) In Article 11, in the second sentence, for “Member States may permit” substitute “ nothing in this Regulation prevents regulations from being made under the 1990 Act authorising ”.
- (8) Omit Article 12.
- (9) In Article 13—
  - (a) in paragraph 1—
    - (i) in the first sentence, for “Member States shall” substitute “ the appropriate authority must, by regulations made under the 1990 Act, ”;
    - (ii) in the second sentence, for “Member States may” substitute “ The appropriate authority may, by regulations made under the 1990 Act, ”;
  - (b) in paragraph 2, for “by Member States” substitute “ in regulations made by the appropriate authority ”;
  - (c) in paragraph 3—
    - (i) in the words before point (a), for “strengths” substitute “ strength ”;

(ii) for the words from “in the different” to the end substitute “ is 8.0% ”.

(10) In Article 14—

- (a) in paragraph 1, for “authorities of the Member States” substitute “ authority of the relevant constituent nation ”;
- (b) in paragraph 2, for “Union legislation” substitute “ retained EU law ”;
- (c) in paragraph 3, for “Member States may decide” substitute “ Nothing in this Regulation prevents the appropriate authority from using any power the authority has to make subordinate legislation to provide ”;
- (d) in paragraph 4, for “Member State” substitute “ constituent nation ”;
- (e) in paragraph 5—
  - (i) for “Member States may decide” substitute “ Nothing in this Regulation prevents the appropriate authority from using any power the authority has to make subordinate legislation to provide ”;
  - (ii) omit “made”;
- (f) after paragraph 5 insert—

“6. In this Article, ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.

(11) After Article 17 omit the words from “This Regulation” to “States.”.

**F97** EUR 2019/934.

#### **Commencement Information**

**I29** Reg. 29 in force at 31.12.2020, see reg. 1(7)

### **Commission Implementing Regulation (EU) 2019/935**

**30.**—(1) Commission Implementing Regulation (EU) 2019/935 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength <sup>F98</sup> is amended as follows.

- (2) In Article 1 omit “by Member States”.
- (3) In Article 2—
  - (a) in the heading, omit “**Union**”;
  - (b) omit “Union”.
- (4) In Article 3—
  - (a) in the heading, omit “**Member States**”;
  - (b) in paragraph 1—
    - (i) for “Member States”, in the first place it occurs, substitute “ An appropriate authority ”;
    - (ii) for “Commission” substitute “ other appropriate authorities ”;
    - (iii) for “In the notification, the Member States” substitute “ The notification ”;

- (iv) for “they” substitute “ the appropriate authority ”;
- (c) for paragraphs 2 and 3 substitute—

“2. In this Article, ‘appropriate authority’ means:

- (a) in relation to England, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Wales, the Welsh Ministers.”.

(5) After Article 4 omit the words from “This Regulation” to “States.”.

**F98** EUR 2019/935.

**Commencement Information**

**I30** Reg. 30 in force at 31.12.2020, see reg. 1(7)

**Regulation (EU) 2019/1753 of the European Parliament and of the Council**

**31.** Regulation (EU) 2019/1753 of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications <sup>F99</sup> is revoked.

**F99** EUR 2019/1753.

**Commencement Information**

**I31** Reg. 31 in force at 31.12.2020, see reg. 1(7)

**Commission Implementing Regulation (EU) 2020/198**

**32.—(1)** Commission Implementing Regulation (EU) 2020/198 laying down rules for the application of Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the establishment of the register of geographical indications protected in the sector of aromatised wine products and the listing of the existing geographical designations in that register <sup>F100</sup> is amended as follows.

- (2) In Article 1—
  - (a) omit paragraph 1;
  - (b) in paragraph 2, after “register” insert “established and maintained by the Secretary of State under Article 21 of Regulation (EU) No 251/2014 (‘the register’)”.
- (3) In Article 2, in the words before point (a)—
  - (a) at the beginning insert “ The Secretary of State must list ”;
  - (b) omit “are listed”.
- (4) After Article 3 omit the words from “This Regulation” to “States.”.

**F100** EUR 2020/198.

**Commencement Information**

**I32** Reg. 32 in force at 31.12.2020, see reg. 1(7)

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**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

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Department for Environment, Food and Rural  
Affairs

*Victoria Prentis*  
Parliamentary Under Secretary of State



## SCHEDULE 1

Regulation 17

### Regulation (EC) No 110/2008 of the European Parliament and of the Council: new Articles 25 to 25c

#### Commencement Information

**I33** Sch. 1 in force at 31.12.2020, see [reg. 1\(7\)](#)

## “Article 25

### *Regulations: general*

1. Any power to make regulations under this Regulation is exercisable by:
  - (a) the Secretary of State:
    - (i) in the case of regulations made under Article 27 concerning a subject matter that is outside of the devolved competence of the Scottish Ministers and the Welsh Ministers, in relation to Great Britain;
    - (ii) otherwise in relation to England;
  - (b) the Scottish Ministers in relation to Scotland:
    - (i) in the case of regulations made under Article 27 concerning a subject matter that is within the devolved competence of the Scottish Ministers;
    - (ii) in the case of regulations made under any other article of this Regulation;
  - (c) the Welsh Ministers in relation to Wales;
    - (i) in the case of regulations made under Article 27 concerning a subject matter that is within the devolved competence of the Welsh Ministers;
    - (ii) in the case of regulations made under any other article of this Regulation.
2. But the power to make regulations may be exercised by the Secretary of State for the whole or part of Great Britain in the case of regulations to which paragraph 3 applies if consent is given by:
  - (a) the Scottish Ministers to the extent that the for the regulations will apply in relation to Scotland;
  - (b) the Welsh Ministers to the extent that the regulations will apply in relation to Wales.
3. This paragraph applies to:
  - (a) regulations that may be made under Article 27 concerning a subject matter that is within the devolved competence of the Scottish Ministers, in relation to Scotland, and the devolved competence of the Welsh Ministers, in relation to Wales;
  - (b) regulations that may be made under any other article of this Regulation.
4. For the purposes of this Article:
  - (a) <sup>F101</sup>it is within the devolved competence of the Scottish Ministers to make any provision by regulations under Article 27 in relation to Scotland that would be within the legislative competence of the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998 );
  - (b) <sup>F102</sup>it is within the devolved competence of the Welsh Ministers to make any provision by regulations under Article 27 in relation to Wales that would be within

**Changes to legislation:** There are currently no known outstanding effects for the *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020*. (See end of Document for details)

the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006 ),

- (c) in relation to regulations made under Article 27, ‘outside of devolved competence’ is to be construed, in relation to the Secretary of State, as meaning anything that is not within the devolved competence of the Scottish Ministers or Welsh Ministers by virtue of points (a) and (b) respectively.

## Article 25a

### *Regulations: the Secretary of State*

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
2. Except as specified in paragraph 3, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
3. A statutory instrument containing regulations made by the Secretary of State under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
4. Regulations made by the Secretary of State under this Regulation may:
  - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment);
  - (b) make different provision for different purposes.
5. In this Article, ‘enactment’ means:
  - (a) where Article 25(1)(a) applies:
    - (i) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act to the extent that the enactment applies to England;
    - (ii) regulations made under retained direct principal EU legislation to the extent that they apply in England;
    - (iii) retained direct minor EU legislation to the extent that it applies to England;
  - (b) where Article 25(2) applies:
    - (i) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that the enactment extends to Northern Ireland;
    - (ii) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
    - (iii) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.

## Article 25b

### *Regulations: Scotland*

1. <sup>F103</sup>For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 .

2. Subject to paragraph 3, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

3. Regulations made by the Scottish Ministers under Article 26 that amend Annex 2 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

4. Regulations made by the Scottish Ministers under this Regulation may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment) to the extent that such provision is within the devolved competence of the Scottish Ministers;
- (b) make different provision for different purposes.

5. In this Article, 'enactment' means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (c) regulations made under retained direct principal EU legislation;
- (d) retained direct minor EU legislation.

6. For the purposes of paragraph 4(a), a provision is within the devolved competence of the Scottish Ministers if the amendment or revocation of the provision that would be within the legislative competence of the Scottish Parliament if was included in an Act of the Parliament (see section 29 of the Scotland Act 1998).

## Article 25c

### *Regulations: Wales*

1. Regulations made by the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. Subject to paragraph 3, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.

3. A statutory instrument containing regulations made by the Welsh Ministers under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

4. Regulations made by the Welsh Ministers under this Regulation may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment) to the extent that such provision is within the devolved competence of the Welsh Ministers;
- (b) make different provision for different purposes.

5. In this Article, 'enactment' means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) an enactment contained in an instrument made under a Measure or Act of Senedd Cymru;

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (c) regulations made under retained direct principal EU legislation;
- (d) retained direct minor EU legislation.

6. For the purposes of paragraph 4(a), a provision is within the devolved competence of the Welsh Ministers to the extent that it would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006)."

- F101** 1998 c. 46; section 29 was amended by the Scotland Act 2012 (c. 11), section 9(2) and S.I. 2011/1043. It is prospectively amended, from a day to be appointed, by the European Union (Withdrawal) Act 2018 (c. 16), section 12(1).
- F102** 2006 c. 32; section 108A was substituted, for section 108 as originally enacted, by the Wales Act 2017 (c. 4), section 3(1) and amended by the Senedd and Elections (Wales) Act 2020 (anaw 1), Schedule 1, paragraph 2(1) and (19). It is prospectively amended, from a day to be appointed, by the European Union (Withdrawal) Act 2018 (c. 16), section 12(3).
- F103** 2010 asp 10.

## SCHEDULE 2

Regulation 18

Regulation (EU) No 1151/2012 of the European Parliament and of the Council: new provisions

## PART 1

### Article 3: new definitions

#### Commencement Information

**I34** Sch. 2 Pt. 1 in force at 31.12.2020, see reg. 1(7)

"(9) 'the EUWA' means the European Union (Withdrawal) Act 2018;

(10) 'EU Regulation 1151/2012' means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect before IP completion day;

(11) 'Regulation 1308/2013' means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products;

(12) 'Regulation 664/2014' means Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules;

(13) 'the Quality Schemes Regulations' means the Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 as they extend to Great Britain;

(14) 'an Article 52(4) approval notice' means a notice published under Article 52(4) relating to a decision of the Secretary of State to approve an application to register a designation of origin or geographical indication;

(15) 'the designated authority' means:

- (a) unless point (b) or (c) applies, the person specified in regulation 3(2) of the Quality Schemes Regulations as the person responsible for carrying out the relevant function;
  - (b) in a case where an official control has been delegated to a delegated body in accordance with Article 39, the delegated body to which the relevant function has been delegated;
  - (c) in a case where an enforcement authority has been appointed under regulation 6(2) of the Quality Schemes Regulations to carry out the relevant function in respect of a specified area, the appointed enforcement authority in relation to that area;
- (16) ‘domestic law’ means the means the law of England and Wales and Scotland;
- (17) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;
- (18) ‘established protected designation of origin’ means a designation of origin within the meaning of Article 5(1) to which Article 54(2) of the EU withdrawal agreement applies;
- (19) ‘established protected geographical indication’ means a geographical indication within the meaning of Article 5(2) to which Article 54(2) of the EU withdrawal agreement applies;
- (20) ‘established protected traditional speciality guaranteed’ means a traditional speciality guaranteed within the meaning of Article 18(1) to which Article 54(2) of the EU withdrawal agreement applies;
- (21) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a designation of origin or geographical indication of the third country in the European Union;
- (22) ‘FTT’ means the First-tier Tribunal;
- (23) ‘Great Britain’s PDOs and PGIs Register’ means the register established and maintained by the Secretary of State under Article 11(1);
- (24) ‘Great Britain’s TSGs Register’ means the register established and maintained by the Secretary of State under Article 22(1);
- (25) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a designation of origin, geographical indication or traditional speciality guaranteed under Article 54, or following the submission of an application under Article 49 or 53, or a request submitted under Article 54, means the person who submitted the application or request;
- (26) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;
- (27) ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;
- [<sup>F104</sup>(28) ‘third country’ means—
- (a) for the purposes of the definition of ‘EUIA’ in point (21), Article 14c and Annex 1A (other than the reference in paragraph (b)), any country other than—
    - (i) any part of the British Islands, or
    - (ii) a member State;
  - (b) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;
  - (c) for all other purposes, any country other than the United Kingdom, and includes:
    - (i) the Bailiwick of Guernsey;
    - (ii) the Bailiwick of Jersey;

(iii) the Isle of Man;]

(29) ‘the TMA’ means the Trade Marks Act 1994;

(30) ‘the Types Table’ means the table in Part 3 of Annex 1A.”

**F104** Words in Sch. 2 Pt. 1 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(a)

## PART 2

### New Article 3a

#### Commencement Information

**I35** Sch. 2 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### “Article 3a

*Definitions: types of designation of origin and geographical indication*

In Article 14a and Annex 1A any reference to:

- (a) ‘a type 1 designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (c) ‘a type 2B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (e) ‘a type 3B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (g) ‘a type 4B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of that row apply;
- (h) ‘a type 5A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;

- (i) ‘a type 5B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 4 of that table apply;
- (j) ‘a type 6A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;
- (k) ‘a type 6B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which the provisions in column 4 of row 4 of that table apply.”

## PART 3

### New Articles 14a and 14b

#### Commencement Information

**I36** Sch. 2 Pt. 3 in force at 31.12.2020, see reg. 1(7)

#### “Article 14a

##### *Transitional provisions: relations between trade marks, designations of origin and geographical indications*

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 13(1) in relation to a category A designation of origin or geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 13(1) in relation to a category B designation of origin or geographical indication, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:

(i) in the case of a type 3B designation of origin or geographical indication:

(aa) the international agreement referred to in paragraph (c) of column 2 of row 3 of the Types Table enters into force [<sup>F105</sup>or the bridging arrangements referred to in that column are made], and

(bb) the entry into force of the international agreement [<sup>F106</sup>or the making of the bridging arrangements] is brought to the attention of the registrar before the trade mark is registered;

(ii) in the case of any other category B designation of origin or geographical indication:

(aa) the Secretary of State publishes an Article 52(4) approval notice relating to the designation of origin or geographical indication, and

(bb) the Article 52(4) approval notice is brought to the attention of the registrar before the trade mark is registered.

3. Where an application for a declaration of invalidity is made under the TMA (as applied by Article 14b(1) and modified by Article 14b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
- (b) the use of the trade mark contravenes, or will, if used, contravene, Article 13(1) in relation to a category B designation of origin or geographical indication, and
- (c) in the case of a type 2B, 4B, 5B or 6B designation of origin or geographical indication, the Secretary of State publishes an Article 52(4) approval notice relating to the designation of origin or geographical indication on or after the day on which the trade mark application is accepted.

4. This paragraph applies where a column 5 date applies in relation to a category A or B designation of origin or geographical indication and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant designation of origin or geographical indication.

5. As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 3A, 4A or 5A designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication

6. As regards paragraph 3, a column 5 date does not apply in relation to a type 3B, 4B or 5B designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication.

7. Where a designation of origin or geographical indication falls within the definition of more than one type of designation of origin or geographical indication in Article 3a, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of designation of origin or geographical indication.

8. In a case of a category A or B designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the name of the designation of origin or geographical indication is to be treated, for the purpose of the assessment, as having a registered name in determining whether the use of the trade mark will contravene Article 13(1) in relation to that designation of origin or geographical indication.

9. A trade mark that could be used in the United Kingdom under Article 14(2) of EU Regulation 1151/2012 immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- (a) notwithstanding that the use of the trade mark would contravene Article 13(1) of this Regulation in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;



- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**10.** Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 14(2) of EU Regulation 1151/2012 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 13(1) in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**11.** Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- (a) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State under Article 11(2) [<sup>F107</sup>or 14c(1)];
- (b) an established protected designation of origin or an established protected geographical indication entered on Great Britain's PDOs and PGIs Register pursuant to Article 16;
- (c) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register following a decision by the Secretary of State to approve an application to register the designation of origin or geographical indication following an application submitted under Article 49.

**12.** In this Article:

- <sup>F108</sup>(a) .....
- (b) 'a category A designation of origin or geographical indication' means a type 1, 2A, 3A, 4A, 5A or 6A designation of origin or geographical indication;
- (c) 'a category B designation of origin or geographical indication' means a type 2B, 3B, 4B, 5B or 6B designation of origin or geographical indication;
- (d) 'column 5 date', in relation to a designation of origin or geographical indication that is a category A or B designation of origin or geographical indication, means the date described in column 5 of the Types Table in the row relating to the relevant type of designation of origin or geographical indication;
- (e) 'date of filing':
  - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
  - (ii) in the case of an ITM-based trade mark application, means:
    - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
    - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
  - (iii) in any other case, has the meaning given by section 33 of the TMA;

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- (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
- (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
- (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
- (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
- (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
- (k) ‘the registrar’ has the meaning given by section 62 of the TMA.

**13.** Any reference in this Article to:

- (a) ‘priority claimed in respect of an application’:
  - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
  - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
  - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
- (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
- (c) a trade mark includes a reference to:
  - (i) a collective mark as defined in section 49(1) of the TMA;
  - (ii) a certification mark as defined in section 50(1) of the TMA.

*Article 14b*

*Application and modification of trade mark provisions*

**1.** For the purpose of Article 14a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 14a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar's appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of ‘the court’);

- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

**2.** The modifications are:

- (a) section 47 applies as if:
  - (i) in subsection (3), in the words before paragraph (a), after ‘invalidity’ there were inserted ‘made under this section, as applied by Article 14b(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs,’;
  - (ii) in subsection (5), for ‘grounds of invalidity exist’ there were substituted ‘ground for invalidity specified in Article 14a(3) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council exists’;
- (b) section 74(1) applies as if, for the words from ‘for’ to ‘the registrar’ there were substituted ‘for a declaration of the invalidity of the registration of a trade mark, the registrar’;
- (c) section 76(1) applies as if:
  - (i) in the first paragraph, for the words from ‘under’ to the end there were substituted ‘made under Article 14a of Regulation (EU) No 1151/2012 of the European Parliament and of the Council’;
  - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted ‘as applied by Article 14b(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council’.

**3.** In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 14a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).”

- F105** Words in Sch. 2 Pt. 3 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(7)(b)(i)(aa)**
- F106** Words in Sch. 2 Pt. 3 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(7)(b)(i)(bb)**
- F107** Words in Sch. 2 Pt. 3 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(7)(b)(ii)**
- F108** Words in Sch. 2 Pt. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(7)(b)(iii)**

## PART 4

### New Article 52a

#### Commencement Information

**I37** Sch. 2 Pt. 4 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *“Article 52a*

##### *Applications pending on IP completion day*

**1.** A pending application made under EU Regulation 1151/2012 before IP completion day is deemed to be an application made under Article 49(2) of this Regulation for which scrutiny under Article 50(1) of this Regulation has not been commenced.

**2.** Unless requested not to do so in writing by the applicant who submitted the application under EU Regulation 1151/2012, the Secretary of State must scrutinise a pending application under Article 50(1) of this Regulation.

**3.** But the Secretary of State may decide not to scrutinise a pending application under paragraph 2 in a case where the pending application is an application that has been sent to the European Commission for scrutiny under Article 50(1) of EU Regulation 1151/2012 before IP completion day.

**4.** The six month period specified in Article 50(1) starts from the day on which IP completion day falls.

**5.** Where a request of the type specified in paragraph 2 is made in relation to a pending application by an applicant referred to in that paragraph, the pending application is to be treated as having been withdrawn.

**6.** In this Article ‘pending application’ means an application submitted to the Secretary of State on or after 1st January 2019 or the Secretary of State or the Department for Environment, Food and Rural Affairs before that date:

(a) to register:

(i) a name of a geographical area in, or partly in, the United Kingdom as a designation of origin;

(ii) a name of a geographical area in, or partly in, the United Kingdom as a geographical indication;

(iii) a name as a traditional speciality guaranteed, and

(b) for which the European Commission has not adopted an implementing act under Article 52 of EU Regulation 1151/2012 before IP completion day.”

## PART 5

### New Title 5A

#### Commencement Information

**I38** Sch. 2 Pt. 5 in force at 31.12.2020, see [reg. 1\(7\)](#)

## **“TITLE 5A**

### **APPEALS**

#### *Article 54a*

#### *Appeals: general*

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B.
2. Such an appeal may be made:
  - (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Part 2 of Annex 1B;
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal the FTT:
  - (a) must consider the decision appealed against afresh, and
  - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in the third column of the table in Part 2 of Annex 1B.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
  - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
  - (b) the provisions of this Title and Annex 1B apply to the fresh decision made by the Secretary of State.
6. An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B does not prevent an entry recorded on Great Britain's PDOs or PGIs Register or Great Britain's TSGs Register by the Secretary of State following that decision from having effect.
7. The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
  - (a) in a case where the FTT quashes the Secretary of State's decision and directs the Secretary of State to take specified action, that action has been taken;
  - (b) in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

### Article 54b

#### *Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal*

1. The Secretary of State may consider a decision specified in column 1 of the table in Part 2 of Annex 1B ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
2. Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
  - (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
  - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
  - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant, (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

## PART 6

### New Article 56

#### Commencement Information

**I39** Sch. 2 Pt. 6 in force at 31.12.2020, see reg. 1(7)

### *"Article 56*

#### *Regulations*

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Such regulations may:
  - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
  - (b) make different provision for different purposes.

3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

4. A statutory instrument containing regulations made under the second subparagraph of Article 2(1) or Article [F109 14d(4),] 18(5), 30(1) or 41(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

5. Before making any regulations under this Regulation, the Secretary of State must consult:

- (a) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the Secretary of State may consider appropriate.

6. In this Article, ‘enactment’ means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except so far as it extends to Northern Ireland;
- (b) regulations made under retained direct principal EU legislation, except so far as they extend to Northern Ireland;
- (c) retained direct minor EU legislation, except so far as it extends to Northern Ireland.”

**F109** Word in Sch. 2 Pt. 6 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(c)

## PART 7

### New Annexes 1A and 1B

#### Commencement Information

**I40** Sch. 2 Pt. 7 in force at 31.12.2020, see reg. 1(7)

#### “ANNEX 1A

### TYPES OF DESIGNATION OF ORIGIN AND GEOGRAPHICAL INDICATION TO WHICH ARTICLE 14A APPLIES

## PART 1

### Interpretation

1. In the table in Part 3:

- (a) ‘an Article 52(4) notice’ means a notice published by the Secretary of State under Article 52(4);
- (b) ‘the European Commission’s PDOs and PGIs Register’ means the register established and maintained by the European Commission pursuant to Article 11(1) of EU Regulation 1151/2012;

- (c) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 14a(1);
- (d) ‘the relevant EUIA-based date’ means the date determined in accordance with Part 2;
- (e) ‘the relevant pre-IP completion day legislation’ means:
  - (i) in the case of an application to register a designation of origin or geographical [<sup>F110</sup>indication] submitted to the European Commission under Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>F111</sup>, Article 5 or 12a of that Regulation;
  - (ii) in the case of an application to register a designation of origin or geographical [<sup>F112</sup>indication] submitted to the European Commission under Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, Article 5 of that Regulation;
  - (iii) in the case of an application to register a designation of origin or geographical [<sup>F113</sup>indication] submitted to the European Commission under EU Regulation 1151/2012, Article 49(2) or (5) of that Regulation;
- (f) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 14a(2) or (3)(a), as relevant.

## PART 2

### The relevant EUIA-based date

**2.** In the table in Part 3, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:

- (a) the date provided for in paragraph 3, or
- (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the designation of origin or geographical indication.

**3.** In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a designation of origin or geographical indication contained priority provisions that applied to the designation of origin or geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that designation of origin or geographical indication.

**4.** In a case of a type 3A, 3B, 4A or 4B designation of origin or geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
- (b) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;



- (c) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
- (d) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. In a case of a type 5A or 5B designation of origin or geographical indication to which paragraph 3 does not apply and for which a request, or an application, for protection or assessment (however described) was submitted before IP completion day under the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted under the EUIA.

6. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
  - (i) a calendar date specified in the EUIA;
  - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and designations of origin and geographical indications that provided (however expressed):
  - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
  - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
  - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a designation of origin or geographical indication protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the designation of origin or geographical indication to be protected in the European Union did not require:
  - (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the designation of origin or geographical indication;
  - (ii) an assessment to be carried out under the EUIA in relation to the designation of origin or geographical indication.

## Types of designation of origin and geographical indication (the Types Table)

<b>Column 1</b> <b>Row No.</b>	<b>Column 2</b> <b>Description of the designation of origin or geographical indication</b>	<b>Column 3</b> <b>Type A provisions</b>	<b>Column 4</b> <b>Type B provisions</b>	<b>Column 5</b> <b>The column 5 date</b>
1.	An established protected designation of origin or established protected geographical indication.	Not applicable.	Not applicable.	The date on which the application that resulted in the first registration of the designation of origin or geographical indication was submitted to the European Commission under the relevant pre-IP completion day legislation.
2.	A designation of origin or geographical indication: (a) that relates to a geographical area in the United Kingdom, and (b) for which an application to register the designation of origin or geographical indication was submitted to the European Commission under Article 49(4) of EU Regulation 1151/2012 before IP completion day.	1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the trade mark application is accepted or refused and is entered on that register following the approval of an application to which Article 52a(1) (pending United Kingdom applications) applies. 2. A designation of origin or geographical indication: (a) that is not on Great	A designation of origin or geographical indication to which Article 52a(1) applies: (a) that is not treated as having been withdrawn under Article 52a(5), and (b) for which an Article 52(4) notice relating to the application to register the designation of origin or geographical indication is not published before the relevant trade mark application is accepted.	The date on which the application to register the designation of origin or geographical indication referred to in point (b) of column 2 was submitted to the European Commission under Article 49(4) of EU Regulation 1151/2012.

Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused,  
(b) to which Article 52a(1) applies, and  
(c) for which an Article 52(4) approval notice relating to the application to register the designation of origin or geographical indication is published before the day on which the paragraph 1 trade mark application is accepted or refused.

3. A designation of origin or geographical indication that:
  - (a) relates to a geographical area in a third country, and
  - (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties, and
  - [<sup>F114</sup>(c) be protected in Great Britain pursuant to—
1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register pursuant to Article 11(2) [<sup>F115</sup>or Article 14c(1)]. [<sup>F116</sup>2. A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to—
- [<sup>F117</sup>A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to—
- The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.
- (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

(i) an international Britain's PDOs (b) bridging agreement to and PGIs Register arrangements which the United before the day between the Kingdom and the on which the United Kingdom third country are paragraph 1 trade and the third contracting parties mark application country made, that enters into is accepted or on or after the force, or refused but must day on which (ii) bridging be protected in the relevant trade arrangements Great Britain mark application between the pursuant to— is accepted.] United Kingdom (a) an and the third international country made, agreement to during the which the United relevant period.] Kingdom and the third country are contracting parties that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, before the day on which the paragraph 1 trade mark application is accepted or refused.]

4. A designation of origin or geographical indication that: 1. A designation of origin or geographical indication that: A designation of origin or geographical indication: The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.
- (a) relates to a is on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted, and (b) for which before IP refused and is an application to register the designation of origin or geographical indication is submitted to the Secretary of State
- (a) relates to a geographical area in a third country, and (b) was protected in the European Union immediately before completion day pursuant to an EUIA to which the European Union and the third country designation of origin or

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

	<p>were contracting geographical under Article parties. indication 49 during the submitted to the relevant period Secretary of State and that under Article application: 49 during the (i) is not relevant period. submitted before 2. A designation the relevant trade of origin or mark application geographical is accepted, or indication: (ii) is submitted (a) that is before the relevant not on Great trade mark Britain's PDOs application is and PGIs Register accepted but before the day for which an on which the Article 52(4) paragraph 1 trade notice relating to mark application the application is accepted or to register the refused, designation of (b) for which origin or an application geographical to register the indication is not designation of published before origin or the relevant trade geographical mark application indication is is accepted. submitted to the Secretary of State under Article 49 during the relevant period, and (c) for which an Article 52(4) approval notice relating to the application is published before the day on which the paragraph 1 trade mark application is accepted or refused.</p>	
5.	<p>A designation of origin or geographical indication:</p>	<p>See the entry in row 4 of this column.</p> <p>See the entry in row 4 of this column.</p> <p>The relevant EUIA-based date that applies to the designation of origin or geographical</p>

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	(a) that relates to a geographical area in a third country,			indication in relation to the EUIA referred to in point (b) of column 2.
	(b) for which an assessment relating to the protection of the designation of origin or geographical indication was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before IP completion day in respect of the designation of origin or geographical indication under an EUIA, and			
	(c) for which no decision was made pursuant to the EUIA before IP completion day as to whether the designation of origin or geographical indication should be protected in the European Union.			
6.	A designation of origin or geographical indication:	See the entry in row 4 of this column.	See the entry in row 4 of this column.	The date on which the application to register the designation of origin or geographical indication referred to in point (b) of column 2 was submitted to the European Commission under Article 49(4) or (5)
	(a) that relates to a geographical area in a third country, and			
	(b) for which an application to register the designation of origin or geographical indication was			

submitted to of EU Regulation  
the European 1151/2012.  
Commission  
under Article  
49(4) or (5)  
of EU Regulation  
1151/2012 before  
IP completion  
day that was  
neither refused  
nor resulted in  
the registration of  
the designation  
of origin or  
geographical  
indication on  
the European  
Commission's  
PDOs and PGIs  
Register <sup>F118</sup>  
before IP  
completion day.

## *ANNEX 1B*

### APPEALS

## **PART 1**

### Interpretation

In the table in Part 2, ‘a valid notice of opposition’ means a notice of opposition that contains the declaration required by the second subparagraph of Article 51(1).

## **PART 2**

### Appellants and powers of the FTT on appeal

<i>Column 1 Decision</i>	<i>Column 2 Persons who may appeal against the decision</i>	<i>Column 3 FTT powers</i>
Decision of the Secretary of State to approve an application submitted under Article 49 to register a designation of origin, geographical indication or traditional speciality guaranteed.	The persons are: (a) a person who lodges a valid notice of opposition in relation to the application under Article 51(1); (b) a person marketing a product that is, or may be,	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the protected designation of origin, protected geographical indication or traditional

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affected by the registration speciality guaranteed from the of the designation of relevant register, and origin, geographical indication (ii) remove the copy of or traditional speciality the product specification for guaranteed. the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.

Decision of the Secretary of State to reject an application submitted under Article 49 to register a designation of origin, geographical indication or traditional speciality guaranteed.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to register the designation of origin, geographical indication or traditional speciality guaranteed.	Power to: (a) quash the decision and direct the Secretary of State to register the designation of origin, geographical indication or traditional speciality guaranteed by: (i) making an entry for the designation of origin, geographical indication or traditional speciality guaranteed in the relevant register, recording the data specified in Article 14(1) of Implementing Regulation (EU) 668/2014 in the relevant register, and (ii) attaching a copy of the product specification for the designation of origin, geographical indication or traditional speciality guaranteed to the register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
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Decision of the Secretary of State to approve an application submitted under Article 53 to amend a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed.	The persons are: (a) a person who lodges a valid notice of opposition under Article 51(1) in relation to the application (as it applies to an application to amend a product specification by virtue of Article 53(2)); (b) a person marketing a product that is, or may be, affected by the amendment of the product specification.	Power to: (a) quash the decision and (as appropriate) direct the Secretary of State to: (i) restore the data in the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register; (ii) remove the copy of the amended product specification
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for the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register and replace it with a copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed that was attached to the relevant register immediately before the Secretary of State decided to approve the application, or  
(b) remit the matter to the Secretary of State for reconsideration and fresh decision.

Decision of the Secretary of State to reject an application submitted under Article 53 to amend a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed.

The persons are:  
(a) the person who submitted the application;  
(b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification.

Power to:

(a) quash the decision and (as appropriate) direct the Secretary of State:

(i) in the case of an amendment to the product specification that is not a temporary amendment:

(aa) to make such change to the data in the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register as the amendment to the product specification may entail, and

(bb) to replace the copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register with a copy of the amended product specification, or

(ii) in the case of a temporary amendment to the product specification, to make an appropriate entry relating to the temporary amendment to the product specification for the protected designation of origin, protected geographical

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		<p>indication or traditional speciality guaranteed in the relevant register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
<p>Decision of the Secretary of State under Article 54, on the Secretary of State's own initiative, to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.</p>	<p>The persons are:</p> <p>(a) a person who lodges a valid notice of opposition under Article 51(1) in relation to the proposed decision (as it applies to the cancellation of a protected designation of origin, protected geographical indication or traditional speciality guaranteed by virtue of Article 7(1) and (4) of Regulation 664/2014);</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed in the relevant register, and</p> <p>(ii) reattach to the relevant register a copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed that was attached to that register immediately before the Secretary of State decided to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
<p>Decision of the Secretary of State to approve a request submitted under Article 54 to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.</p>	<p>The persons are:</p> <p>(a) a person who lodges a valid notice of opposition under Article 51(1) in relation to the request (as it applies to a request to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed by virtue of Article 7(1) and (4) of Regulation 664/2014);</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the registration of the protected designation of</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the protected designation of origin, protected geographical indication or traditional speciality in the relevant register, and</p> <p>(ii) reattach to the relevant register a copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed that was attached to that</p>

origin, protected geographical indication or traditional speciality guaranteed.	register immediately before the Secretary of State decided to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject a request submitted under Article 54 to cancel the registration of a protected designation of origin, protected geographical indication or traditional speciality guaranteed.	<p>The persons are:</p> <p>(a) the person who submitted the request;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to cancel the registration of the protected designation of origin, protected geographical indication or traditional speciality guaranteed.</p> <p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) remove the entry for the protected designation of origin, protected geographical indication or traditional speciality guaranteed from the relevant register, and</p> <p>(ii) remove the copy of the product specification for the protected designation of origin, protected geographical indication or traditional speciality guaranteed attached to the relevant register, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.”</p>

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- F110** Word in Sch. 2 Pt. 7 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(d)(i)
- F111** OJ No. L 208, 24.7.1992, p. 1, repealed by Council Regulation (EC) No 510/2006 (OJ No. L 93, 31.3.2006, p. 12).
- F112** Word in Sch. 2 Pt. 7 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(d)(ii)
- F113** Word in Sch. 2 Pt. 7 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(d)(iii)
- F114** Words in Sch. 2 Pt. 7 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(e)(i)
- F115** Words in Sch. 2 Pt. 7 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(e)(ii)(aa)

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- F116** Words in Sch. 2 Pt. 7 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(e)(ii)(bb)
- F117** Words in Sch. 2 Pt. 7 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(7)(e)(ii)(cc)
- F118** The European Commission's register relating to designations of origin and geographical indications for agricultural products and foodstuffs can be accessed electronically from <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/> . A hard copy of the register as it stood immediately before IP completion day is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

## SCHEDULE 3

Regulation 20

Regulation (EU) No 1308/2013 of the European Parliament and of the Council: new provisions

## PART 1

### New Article 93a

#### Commencement Information

**I41** Sch. 3 Pt. 1 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *“Article 93a*

*Definitions: types of designation of origin and geographical indication*

In Article 102a and Annex 9A any reference to:

- (a) ‘a type 1 designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A designation of origin’ means the designation of origin specified in column 2 of row 2 of the Types Table to which the provisions in column 3 of that row apply;
- (c) ‘a type 2B designation of origin’ means the designation of origin specified in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (e) ‘a type 3B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;

- (g) ‘a type 4B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of that row apply;
- (h) ‘a type 5A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 of column 3 of row 4 of that table applies;
- (i) ‘a type 5B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 4 of that table apply;
- (j) ‘a type 6A designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which paragraph 1 or 2 in column 3 of row 4 of that table applies;
- (k) ‘a type 6B designation of origin or geographical indication’ means a designation of origin or geographical indication of the type described in column 2 of row 6 of the Types Table to which the provisions in column 4 of row 4 of that table apply.”

## PART 2

### New Articles 102a and 102b

#### Commencement Information

**I42** Sch. 3 Pt. 2 in force at 31.12.2020, see reg. 1(7)

#### *“Article 102a*

##### *Transitional provisions: relationship with trade marks*

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 103(2) in relation to a category A designation of origin or geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 103(2) in relation to a category B designation of origin or geographical indication, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:
  - (i) in the case of a type 3B designation of origin or geographical indication:
    - (aa) the international agreement referred to in paragraph (c) of column 2 of row 3 of the Types Table enters into force [<sup>F119</sup>or the bridging arrangements referred to in that column are made], and
    - (bb) the entry into force of the international agreement [<sup>F120</sup>or the making of the bridging arrangements] is brought to the attention of the registrar before the trade mark is registered;

(ii) in the case of any other category B designation of origin or geographical indication:

(aa) the Secretary of State publishes an Article 99 approval notice relating to the designation of origin or geographical indication, and

(bb) the Article 99 approval notice is brought to the attention of the registrar before the trade mark is registered.

3. Where an application for a declaration of invalidity is made under the TMA (as applied by Article 102b(1) and modified by Article 102b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

(a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,

(b) the use of the trade mark contravenes, or will, if used, contravene, Article 103(2) in relation to a category B designation of origin or geographical indication, and

(c) in the case of a type 2B, 4B, 5B or 6B designation of origin or geographical indication, the Secretary of State publishes an Article 99 approval notice relating to the designation of origin or geographical indication on or after the time at which the trade mark application is accepted.

4. This paragraph applies where a column 5 date applies in relation to a category A or B designation of origin or geographical indication and, taking account of any priority claimed in respect of an application to register a trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant designation of origin or geographical indication.

5. As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 3A, 4A or 5A designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication

6. As regards paragraph 3, a column 5 date does not apply in relation to a type 3B, 4B or 5B designation of origin or geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the designation of origin or geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the designation of origin or geographical indication.

7. Where a designation of origin or geographical indication falls within the definition of more than one type of designation of origin or geographical indication in Article 93a, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of designation of origin or geographical indication.

8. In a case of a category A or B designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the designation of origin or geographical indication is to be treated, for the purpose of the assessment, as being a protected designation of origin or protected geographical indication, as relevant, in determining whether the use of the trade mark will contravene Article 103(2) in relation to that designation of origin or geographical indication.

**9.** A trade mark that could be used in the United Kingdom under Article 102(2) of EU Regulation 1308/2013 immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- (a) notwithstanding that the use of the trade mark would contravene Article 103(2) of Regulation (EU) No 1308/2013 in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**10.** Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 102(2) of EU Regulation 1308/2013 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 103(2) in Great Britain in relation to a designation of origin or geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**11.** Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- (a) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register following a decision by the Secretary of State to approve an application made under Article 95(1A) or Article 3 of Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks;
- (b) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State following a decision of the Secretary of State to approve an application to which Article 97a applies;
- (c) a designation of origin or geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State pursuant to [<sup>F121</sup>Article 102c(1) or] the second sentence of Article 104;
- (d) an established protected designation of origin or an established protected geographical indication entered on Great Britain's PDOs and PGIs Register by the Secretary of State pursuant to Article 107(1).

**12.** In this Article:

<sup>F122</sup>(a) .....

- (b) 'a category A designation of origin or geographical indication' means a type 1, 2A, 3A, 4A, 5A or 6A designation of origin or geographical indication;
- (c) 'a category B designation of origin or geographical indication' means a type 2B, 3B, 4B, 5B or 6B designation of origin or geographical indication;
- (d) 'column 5 date', in relation to a designation of origin or geographical indication that is a category A or B designation of origin or geographical indication, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of designation of origin or geographical indication;

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- (e) ‘date of filing’:
  - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
  - (ii) in the case of an ITM-based trade mark application, means:
    - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
    - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
  - (iii) in any other case, has the meaning given by section 33 of the TMA;
- (f) ‘established protected designation of origin’ has the meaning given by Article 107(2)(a);
- (g) ‘established protected geographical indication’ has the meaning given by Article 107(2)(b);
- (h) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
- (i) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
- (j) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
- (k) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
- (l) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
- (m) ‘the registrar’ has the meaning given by section 62 of the TMA.

**13.** Any reference in this Article to:

- (a) ‘priority claimed in respect of an application’:
  - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
  - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
  - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
- (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted



in the registration of the trade mark that is the subject of the application, before IP completion day;

- (c) a trade mark includes a reference to:
  - (i) a collective mark as defined in section 49(1) of the TMA;
  - (ii) a certification mark as defined in section 50(1) of the TMA.

#### *Article 102b*

##### *Application and modification of trade mark provisions*

1. For the purpose of Article 102a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 102a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrars appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of ‘the court’);
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

2. The modifications are:

- (a) section 47 applies as if:
  - (i) in subsection (3), in the words before paragraph (a), after ‘invalidity’ there were inserted ‘made under this section, as applied by Article 102b(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products,’;
  - (ii) in subsection (5), for ‘grounds of invalidity exist’ there were substituted ‘ground for invalidity specified in Article 102a(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council exists’;
- (b) section 74(1) applies as if, for the words from ‘for’ to ‘the registrar’ there were substituted ‘for a declaration of the invalidity of the registration of a trade mark, the registrar’;
- (c) section 76(1) applies as if:
  - (i) in the first paragraph, for the words from ‘under’ to the end there were substituted ‘made under Article 102a(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council’;
  - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted ‘as applied by Article 102b(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council’.

3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:

- (a) an application to invalidate a trade mark referred to in Article 102a(3);

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- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a).”

- F119** Words in Sch. 3 Pt. 2 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(i)(aa)**
- F120** Words in Sch. 3 Pt. 2 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(i)(bb)**
- F121** Words in Sch. 3 Pt. 2 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(ii)**
- F122** Words in Sch. 3 Pt. 2 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(8)(a)(iii)**

## PART 3

### New Annex 9A

#### Commencement Information

- I43** Sch. 3 Pt. 3 in force at 31.12.2020, see reg. 1(7)

“ANNEX 9A

## TYPES OF DESIGNATION OF ORIGIN AND GEOGRAPHICAL INDICATION TO WHICH ARTICLE 102A APPLIES

## PART 1

### Interpretation

1. In the table in Part 3:
  - (a) ‘Regulation 607/2009’ means Commission Regulation [\(EC\) No 607/2009](#) laying down certain detailed rules for the implementation of Council Regulation [\(EC\) No 479/2008](#) as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;
  - (b) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks as it had effect before IP completion day;
  - (c) ‘an Article 99 notice’ means a notice published by the Secretary of State under Article 99(2) or (3);

- (d) ‘the European Commission's PDOs and PGIs Register’ means the register established and maintained by the European Commission pursuant to Article 104 of EU Regulation 1308/2013 <sup>F123</sup>;
- (e) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 102a(1);
- (f) ‘the relevant EUIA-based date’ means date determined in accordance with Part 2;
- (g) ‘the relevant pre-IP completion day legislation’ means:
  - (i) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under Regulation (EC) No 1234/2007, Article 118d or Article 118f(7) of that Regulation;
  - (ii) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under Council Regulation (EC) No 479/2008 on the common organisation of the market in wine <sup>F124</sup>, Article 36(2) or Article 38(5) of that Regulation;
  - (iii) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under Regulation 607/2009, paragraph 2, 3 or 4 of Article 10 of that Regulation;
  - (iv) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under EU Regulation 1308/2013, Article 96(5) of that Regulation;
  - (v) in the case of an application to register a designation of origin or geographical indication submitted to the European Commission under EU Regulation 2019/34, Article 3 or 4 of that Regulation;
- (h) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 102a(2) or (3)(a), as relevant.

## PART 2

### The relevant EUIA-based date

**2.** In the table in Part 3, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:

- (a) the date provided for in paragraph 3, or
- (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the designation of origin or geographical indication.

**3.** In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a designation of origin or geographical indication contained priority provisions that applied to the designation of origin or geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that designation of origin or geographical indication.

**4.** In a case of a type 3A, 3B, 4A or 4B designation of origin or geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;

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- (b) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
- (d) in a case where a designation of origin or geographical indication was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the designation of origin or geographical indication was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. In a case of a type 5A or 5B designation of origin or geographical indication to which paragraph 3 does not apply and for which a request, or application, for protection or assessment (however described) was submitted before IP completion day under the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted under the EUIA.

6. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
  - (i) a calendar date specified in the EUIA;
  - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and designations of origin and geographical indications that provided (however expressed):
  - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
  - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
  - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a designation of origin or geographical indication protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the designation of origin or geographical indication to be protected in the European Union did not require:

- (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the designation of origin or geographical indication;
- (ii) an assessment to be carried out under the EUIA in relation to the designation of origin or geographical indication.

## PART 3

### Types of designation of origin and geographical indication (the Types Table)

<i>Column 1 Row No</i>	<i>Column 2 The name of the designation of origin or a description of the type of designation of origin or geographical indication</i>	<i>Column 3 Type A provisions</i>	<i>Column 4 Type B provisions</i>	<i>Column 5 The column 5 date</i>
1.	An established designation of origin or established geographical indication.	Not applicable.	Not applicable.	1. In the case of a designation of origin or geographical indication that was protected under Article 118s(1) or (5) of Council Regulation (EC) No <a href="#">1234/2007</a> establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), whichever is the later of: (a) the date on which the designation of origin or geographical indication

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application was first protected in the country in which the geographical area covered by the designation of origin or geographical indication is situated, or (b) 1st January 1996.

2. In the case of a designation of origin or geographical indication that was not automatically protected under Article 118s of Regulation (EC) No 1234/2007, the date on which the application that resulted in the first registration of the designation of origin or geographical indication was submitted to the European Commission under the relevant pre-IP completion day legislation.

2. Sussex. The designation of The designation of origin is on Great of origin is not Britain's PDOs on Great Britain's and PGIs Register, PDOs and PGIs having been Register and an entered on that Article 99 notice register following is not published the approval of in relation to the application to the application which Article 97a to register the applied, before the designation of day on which the origin to which paragraph 1 trade Article 97a mark application applies before 27th July 2017.

- is accepted or the relevant trade  
refused. mark application  
is accepted.
3. A designation of origin or geographical indication that: (a) relates to a geographical area in a third country, (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties, and [F125(c) must be protected in Great Britain pursuant to — (i) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or (ii) bridging arrangements between the United Kingdom and the third country made, during the relevant period.]
1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register pursuant to [F126Article 102c(1) or] the second sentence of Article 104. [F1272. A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to— (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, on or after the day on which the relevant trade mark application is accepted]
- [F128A designation of origin or geographical indication that is not on Great Britain's PDOs and PGIs Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to— (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, on or after the day on which the relevant trade mark application is accepted]
- The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

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and the third country made, before the day on which the paragraph 1 trade mark application is accepted or refused.]

4. A designation of origin or geographical indication that: (a) relates to a geographical area in a third country, and (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties.
1. A designation of origin or geographical indication that is on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered on that register following the approval of an application to register the designation of origin or geographical indication submitted to the Secretary of State under Article 95(1A), or Article 3 of Commission Implementing Regulation (EU) 2019/34, during the relevant period.
2. A designation of origin or geographical indication: (a) that is not on Great Britain's PDOs and PGIs Register before the day on which the paragraph 1 trade mark application is accepted, or (b) for which an application to register the designation of origin or geographical indication is submitted to the Secretary of State under Article 3 of Commission Implementing Regulation (EU) 2019/34 during the relevant period and that application: (i) is not submitted before the relevant trade mark application is accepted, or (ii) is submitted before the relevant trade mark application is accepted but for which an Article 99 notice relating to the application to register the designation of origin or
- A designation of origin or geographical indication that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.
- The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.



is accepted or geographical  
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an application the relevant trade  
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designation of is accepted.  
origin or  
geographical  
indication is  
submitted to the  
Secretary of State  
under Article  
95(1A), or Article  
3 of Commission  
Implementing  
Regulation (EU)  
2019/34, during  
the relevant  
period, and  
(c) for which  
an Article 99  
approval notice  
relating to the  
application is  
published before  
the day on which  
paragraph 1 trade  
mark application  
is accepted or  
refused.

5. A designation of origin or geographical indication:  
(a) that relates to a geographical area in a third country,  
(b) for which an assessment relating to the protection of the designation of origin or geographical indication was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before  
See the entry in row 4 of this column.  
See the entry in row 4 of this column.  
The relevant EUIA-based date that applies to the designation of origin or geographical indication in relation to the EUIA referred to in point (b) of column 2.

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- IP completion day in respect of the designation of origin or geographical indication under an EUIA, and (c) for which no decision was made pursuant to the EUIA before IP completion day as to whether the designation of origin or geographical indication should be protected in the European Union.
6. A designation of origin or geographical indication: (a) that relates to a geographical area in a third country, and (b) for which an application to register the designation of origin or geographical indication was submitted to the European Commission under Article 3 of Regulation 607/2009 <sup>F129</sup>, or Article 3 of EU Regulation 2019/34 <sup>F130</sup>, before IP completion day that was neither refused nor resulted in the registration of the designation of origin or geographical
- See the entry in row 4 of this column.
- See the entry in row 4 of this column.
- The date on which the application to register the designation of origin or geographical indication referred to in point (b) of column 2 was submitted to the European Commission under the relevant pre-IP completion day legislation.”

indication on  
the European  
Commission's  
PDOs and PGIs  
Register before IP  
completion day.

- F123** The European Commission's register relating to designations of origin and geographical indications for wine can be accessed electronically from <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>. A hard copy of the register as it stood immediately before IP completion day is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.
- F124** OJ No. L 148, 6.6.2008, p. 1, repealed by Council Regulation (EC) No 491/2009 (OJ No. L 154, 17.6.2009, p. 1).
- F125** Words in Sch. 3 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(8)(b)(i)
- F126** Words in Sch. 3 Pt. 3 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(8)(b)(ii)(aa)
- F127** Words in Sch. 3 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(8)(b)(ii)(bb)
- F128** Words in Sch. 3 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(8)(b)(iii)
- F129** OJ No. L 193, 24.7.2009, p. 60; repealed by Commission Delegated Regulation (EU) 2019/33 (OJ No. L 9, 11.1.2019, p. 2). Last amended before its repeal by Commission Delegated Regulation (EU) 2018/273 (OJ No. L 58, 28.2.2018, p. 1).
- F130** OJ No. L 9, 11.1.2019, p. 46.

## SCHEDULE 4

Regulation 21

Regulation (EU) No 251/2014 of the European Parliament and of the Council: new provisions

## PART 1

### Article 2: new points (4) to (19)

#### Commencement Information

**I44** Sch. 4 Pt. 1 in force at 31.12.2020, see reg. 1(7)

“(4) ‘EU Regulation 251/2014’ means Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products<sup>F131</sup> as it had effect before IP completion day;

(5) ‘an Article 16 approval notice’ means a notice published under the second paragraph of Article 16 relating to a decision of the Secretary of State to grant an application to protect a geographical indication;

(6) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales;

(7) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;

(8) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

(9) ‘established protected geographical designation’ means a geographical indication within the meaning of Article 2(3) to which Article 54(2) of the EU withdrawal agreement applies;

(10) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a geographical indication of the third country in the European Union;

(11) ‘EUWA’ means the European Union (Withdrawal) Act 2018;

(12) ‘FTT’ means the First-tier Tribunal;

(13) ‘Great Britain's GIs Register’ means the register established and maintained by the Secretary of State pursuant to Article 21;

(14) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a geographical indication under Article 25, or following the submission of an application under Article 11, 13a or 24, or a request submitted under Article 25, means the person who submitted the application or request;

(15) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;

(16) ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland;

[<sup>F132</sup>(17) ‘third country’ means—

(a) for the purposes of the definition of ‘EUIA’ in point (10), Article 19c and Annex 2A, any country other than:

- (i) any part of the British Islands, or
- (ii) a member State;

(b) for all other purposes, any country other than the United Kingdom, and includes:

- (i) the Bailiwick of Guernsey;
- (ii) the Bailiwick of Jersey;
- (iii) the Isle of Man;

(18) ‘the TMA’ means the Trade Marks Act 1994;

(19) ‘the Types Table’ means the table in Part C of Annex 2A.”

**F131** OJ No. L 84, 20.3.2014, p. 14.

**F132** Words in [Sch. 4 Pt. 1](#) substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), 16(9)(a)

## PART 2

### New Article 9a

#### Commencement Information

**I45** Sch. 4 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *“Article 9a*

#### *Definitions: types of geographical indication*

In Article 19a and Annex 2A any reference to:

- (a) ‘a type 1 geographical indication’ means a geographical indication listed in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A geographical indication’ means a geographical indication of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 of column 3 of that row applies;
- (c) ‘a type 2B geographical indication’ means a geographical indication of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A geographical indication’ means a geographical indication of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of row 2 of that table applies;
- (e) ‘a type 3B geographical indication’ means a geographical indication of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of row 2 of that table apply.”

## PART 3

### New Articles 19a and 19b

#### Commencement Information

**I46** Sch. 4 Pt. 3 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *“Article 19a*

#### *Transitional provisions: relationship with trade marks*

1. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will contravene Article 20(2) in relation to a category A geographical indication.

2. Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (a) if the trade mark is registered, the use of the trade mark will contravene Article 20(2) in relation to a category B geographical indication, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:
  - (i) in the case of a type 2B geographical indication:
    - (aa) the international agreement referred to in paragraph (c) of column 2 of row 2 of the Types Table enters into force [<sup>F133</sup>or the bridging arrangements referred to in that column are made], and
    - (bb) the entry into force of the international agreement [<sup>F134</sup>or the making of the bridging arrangements] is brought to the attention of the registrar before the trade mark is registered;
  - (ii) in the case of a type 3B geographical indication:
    - (aa) the Secretary of State publishes an Article 16 approval notice relating to the geographical indication, and
    - (bb) the Article 16 approval notice is brought to the attention of the registrar before the trade mark is registered.

**3.** Where an application for a declaration of invalidity is made under the TMA (as applied by Article 19b(1) and modified by Article 19b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:

- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
- (b) the use of the trade mark contravenes, or will, if used, contravene, Article 20(2) in relation to a category B geographical indication, and
- (c) in the case of a type 3B geographical indication, the Secretary of State publishes an Article 16 approval notice relating to the geographical indication on or after the day on which the trade mark application is accepted.

**4.** This paragraph applies where a column 5 date applies in relation to a category A or B geographical indication and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant category A or B geographical indication.

**5.** As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 2A or 3A geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the geographical indication provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the geographical indication

**6.** As regards paragraph 3, a column 5 date does not apply in relation to a type 2B or 3B geographical indication where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the geographical indication provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the geographical indication.

**7.** In a case of a category A or B geographical indication that is not on Great Britain's GIs Register at the time an assessment is carried out under paragraph 1, 2 or 3, the geographical indication is to be treated, for the purpose of the assessment, as being a geographical indication

protected under this Regulation in determining whether the use of the trade mark will contravene Article 20(2) in relation to that geographical indication.

**8.** A trade mark that could be used in the United Kingdom under Article 19(2) of EU Regulation 251/2014 immediately before IP completion day may continue to be used in Great Britain:

- (a) notwithstanding that the use of the trade mark would contravene Article 20(2) of this Regulation in relation to a geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**9.** Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 19(2) of EU Regulation 251/2014 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would contravene Article 20(2) in Great Britain in relation to a geographical indication registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**10.** Where paragraph 8 or 9 applies to the use or renewal of a trade mark, this does not affect the use of a geographical indication entered on Great Britain's GIs Register by the Secretary of State:

- (a) following a decision by the Secretary of State to grant an application to register the geographical indication submitted under Article 11;
- (b) under the second paragraph of Article 16.

**11.** In this Article:

<sup>F135</sup>(a) .....

- (b) 'a category A geographical indication' means a type 1, 2A or 3A geographical indication;
- (c) 'a category B geographical indication' means a type 2B or 3B geographical indication;
- (d) 'column 5 date', in relation to a geographical indication that is a category A or B geographical indication, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of geographical indication;
- (e) 'date of filing':
  - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
  - (ii) in the case of an ITM-based trade mark application, means:
    - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
    - (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (iii) in any other case, has the meaning given by section 33 of the TMA;
- (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
- (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
- (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
- (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
- (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
- (k) ‘the registrar’ has the meaning given by section 62 of the TMA.

**12.** Any reference in this Article to:

- (a) ‘priority claimed in respect of an application’:
  - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
  - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
  - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
- (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
- (c) a trade mark includes a reference to:
  - (i) a collective mark as defined in section 49(1) of the TMA;
  - (ii) a certification mark as defined in section 50(1) of the TMA.

*Article 19b*

*Application and modification of trade mark provisions*

**1.** For the purpose of Article 19a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 19a(3);
- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);



- (d) section 74 (registrar's appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of 'the court');
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

**2. The modifications are:**

- (a) section 47 applies as if:
  - (i) in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 19b(1) of Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products,';
  - (ii) in subsection (5), for 'grounds of invalidity exist' there were substituted 'ground for invalidity specified in Article 19a(3) of Regulation (EU) No 251/2014 of the European Parliament and of the Council exists';
- (b) section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- (c) section 76(1) applies as if:
  - (i) in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 19a of Regulation (EU) No 251/2014 of the European Parliament and of the Council';
  - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted 'as applied by Article 19b(1) of Regulation (EU) No 251/2014 of the European Parliament and of the Council'.

**3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:**

- (a) an application to invalidate a trade mark referred to in Article 19a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a)."

**F133** Words in [Sch. 4 Pt. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(b\)\(i\)\(aa\)](#)

**F134** Words in [Sch. 4 Pt. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(b\)\(i\)\(bb\)](#)

**F135** Words in [Sch. 4 Pt. 3](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(b\)\(ii\)](#)

## PART 4

### Article 21: new paragraphs 2 to 10

#### Commencement Information

**I47** Sch. 4 Pt. 4 in force at 31.12.2020, see [reg. 1\(7\)](#)

“2. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to confer protection on a geographical indication, the Secretary of State must, as soon as possible after the notice period for the notice has expired:

- (a) record the following data in the register:
  - (i) the registered name (or names) of the product;
  - (ii) the date of protection;
  - (iii) an indication that the name is protected as a geographical indication;
  - (iv) an indication of the permitted country or countries of origin;
- (b) attach a copy of the product specification for the geographical indication to the register.

3. An entry for a geographical indication recorded in the register pursuant to paragraph 2(a) confers the protection provided for in Article 20 and that protection runs from immediately after:

- (a) the entry is recorded in the register, and
- (b) the product specification referred to in paragraph 2(b) has been attached to the register.

4. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve an amendment to a product specification for a geographical indication that is not minor and the amendment includes a change that affects the information recorded in the register for the geographical indication pursuant to paragraph 2, the Secretary of State must as soon as possible after the notice period for the decision notice has expired:

- (a) delete the original data, and record the new data, in the register, and
- (b) replace the copy of the product specification attached to the register with a copy of the approved amended product specification.

5. The new data recorded in the register pursuant to paragraph 4(a) and the provisions in the approved amended product specification attached to the register pursuant to paragraph 4(b) come into force immediately after:

- (a) the new data is recorded in the register, and
- (b) the copy of the amended product specification is attached to the register.

6. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve an amendment to a product specification for a geographical indication that is not minor and the change in the product specification does not affect the information recorded in the register pursuant to paragraph 2, the Secretary of State must replace the copy of the product specification attached to the register with a copy of the approved amended product specification as soon as possible after the notice period for the decision notice has expired.

7. The approved amended product specification attached to the register pursuant to paragraph 6 comes into force immediately after it is attached to the register.

8. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to approve a change in a product specification for a geographical indication that is minor, the Secretary of State must replace the copy of the product specification attached to the register with a copy of the approved amended product specification as soon as possible after the notice period for the notice has expired.

9. The approved amended product specification attached to the register pursuant to paragraph 8 comes into force immediately after it is attached to the register.

10. Where the Secretary of State publishes a decision notice giving notice of the Secretary of State's decision to cancel the protection of a geographical indication, the Secretary of State must delete the entry relating to the geographical indication in the register as soon as possible after the notice period for the cancellation decision notice has expired. The cancellation takes effect immediately after the entry is removed from the register.”

## PART 5

### New Articles 25a and 25b

#### Commencement Information

**I48** Sch. 4 Pt. 5 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *“Article 25a*

#### *Appeals: general*

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex 2B.

2. Such an appeal may be made:

- (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Annex 2B;
- (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.

3. In determining such an appeal, the FTT:

- (a) must consider the decision appealed against afresh;
- (b) may take into account evidence that was not available to the Secretary of State.

4. The FTT may:

- (a) dismiss the appeal, or
- (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex 2B.

5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:

- (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that fresh decision and the reasons for that decision;

- (b) the provisions of this article, Article 25b and Annex 2B apply to the fresh decision made by the Secretary of State.

### *Article 25b*

#### *Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal*

1. The Secretary of State may, on the Secretary of State's own initiative, consider a decision specified in column 1 of the table in Annex 2B ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.

2. Paragraph 1 applies even though an appeal has been made to the FTT in respect of the original decision.

3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:

- (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
- (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
- (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.

4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.

5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

## **PART 6**

### **New Article 33**

#### **Commencement Information**

**I49** Sch. 4 Pt. 6 in force at 31.12.2020, see reg. 1(7)

### *"Article 33*

#### *Provisions relating to regulations*

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.

2. Such regulations may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);

(b) make different provision for different purposes.

3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

4. A statutory instrument containing regulations under Article 4(2), [<sup>F136</sup>19d(4),] 28 or 32(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

5. The Secretary of State may not make regulations under Article 4(2) or (3), the first subparagraph of Article 31(2) or Article 32(2) or (3) (‘the relevant powers’) without the consent of:

- (a) in relation to Scotland, the Scottish Ministers;
- (b) in relation to Wales, the Welsh Ministers.

6. Where either of the parties mentioned in point (a) or (b) of paragraph 5 requests the Secretary of State to make regulations under any of the relevant powers, the Secretary of State must have regard to that request.

7. In this Article, ‘enactment’ means the following legislation whenever passed or made:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that it extends to Northern Ireland;
- (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
- (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.”

**F136** Word in Sch. 4 Pt. 6 inserted (31.12.2020 immediately before IP completion day) by The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1661), regs. 1(2)(b), 16(9)(c)

## PART 7

### Annex 1, point (5): new subparagraph

#### Commencement Information

**I50** Sch. 4 Pt. 7 in force at 31.12.2020, see [reg. 1\(7\)](#)

“In this point, ‘relevant water quality legislation’ means:

- (a) in relation to aromatised wine products marketed in England:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007;
  - (ii) the Water Supply (Water Quality) Regulations 2016;
  - (iii) the Private Water Supplies (England) Regulations 2016;
- (b) in relation to aromatised wine products marketed in Scotland:

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;
- (ii) the Public Water Supplies (Scotland) Regulations 2014;
- (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;
- (c) in relation to aromatised wine products marketed in Wales:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015;
  - (ii) the Private Water Supplies (Wales) Regulations 2017;
  - (iii) the Water Supply (Water Quality) Regulations 2018.”

## PART 8

### New Annexes 2A and 2B

#### Commencement Information

**I51** Sch. 4 Pt. 8 in force at 31.12.2020, see reg. 1(7)

“ANNEX 2A

### TYPES OF GEOGRAPHICAL INDICATION TO WHICH ARTICLE 19A APPLIES

## PART A

### INTERPRETATION

1. In the table in Part C:
  - (a) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 19a(1);
  - (b) ‘the relevant EUIA-based date’ means the date determined in accordance with Part B;
  - (c) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 19a(2) or (3)(a).

## PART B

### THE RELEVANT EUIA-BASED DATE

2. In the table in Part C, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:
  - (a) the date provided for in paragraph 3, or
  - (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, as relevant to the geographical indication.

3. In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a geographical indication contained priority provisions that applied to the geographical indication, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that geographical indication.

4. In a case of a type 2A, 2B, 3A or 3B geographical indication to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
- (b) in a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
- (d) in a case where the geographical indication was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the geographical indication was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
  - (i) a calendar date specified in the EUIA;
  - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and geographical indications and that provided (however expressed):
  - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
  - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or
  - (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a geographical indication protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the geographical indication to be protected in the European Union did not require:
- (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the geographical indication;
  - (ii) an assessment to be carried out under the EUIA in relation to the geographical indication.

## PART C

### TYPES OF GEOGRAPHICAL INDICATION (THE TYPES TABLE)

<i>Column 1 Row No.</i>	<i>Column 2 The name, or a description, of the geographical indication</i>	<i>Column 3 Type A provisions</i>	<i>Column 4 Type B provisions</i>	<i>Column 5 The column 5 date</i>
1.	The following geographical indications: (a) Nürnberger Glühwein; (b) Samoborski bermet; (c) Thüringer Glühwein; (d) Vermut di Torino/Vermouth di Torino; (e) Vino Naranja del Condado de Huelva.	Not applicable.	Not applicable.	1. In the case of the following geographical indications, 17th December 1991: (a) Nürnberger Glühwein; (b) Vermut di Torino/Vermouth di Torino. 2. In the case of Thüringer Glühwein, 2nd November 1996. 3. In the case of Samoborski bermet, 1st July 2013. 4. In the case of Vino Naranja del Condado de Huelva, 20th March 2014.
2.	A geographical indication that: (a) relates to a geographical area in a third country,	1. A geographical indication that is on Great Britain's GIs Register before the day	[ <sup>F140</sup> A geographical indication that is not on Great Britain's GIs Register when	The relevant EUIA-based date that applies to the geographical indication in relation to the



(b) was protected on which the the relevant trade EUIA referred to in the European paragraph 1 trade mark application in point (b) of Union mark application is accepted but column 2. immediately is accepted or must be protected before IP refused and is in Great Britain completion day entered on that pursuant to— pursuant to an register pursuant (a) an EUIA to which to Article international the European [F138]19c(1) or] agreement to Union and the 21(11). which the United third country [F139]2. A Kingdom and the were contracting geographical third country are parties, and indication that contracting parties [F137](c) must be is not on that enters into protected in Great Great Britain's force, or Britain pursuant to GIs Register (b) bridging — before the day arrangements (i) an international on which the between the agreement to paragraph 1 trade United Kingdom which the United mark application is accepted or and the third country made, third country are refused but must on or after the contracting parties be protected in day on which that enters into Great Britain the relevant trade force, or pursuant to— mark application (ii) bridging (a) an is accepted.] arrangements international (b) bridging between the agreement to arrangements between the United Kingdom which the United and the third Kingdom and the third country made, third country are during the contracting parties that enters into relevant period.] that enters into force, or (b) bridging arrangements between the United Kingdom and the third country made, before the day on which the paragraph 1 trade mark application is accepted or refused.]

3. A geographical indication that:  
(a) relates to a geographical area in a third country, and  
1. A geographical indication that is on Great Britain's GIs Register before the day on which the  
A geographical indication:  
(a) that is not that applies to the geographical indication in the relevant trade relation to the  
The relevant EUIA-based date

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

(b) was protected paragraph 1 trade mark application EUIA referred to in the European mark application is accepted, and in point (b) of Union is accepted or (b) for which column 2. immediately refused and is an application before IP entered on that to protect the completion day register following geographical pursuant to an the approval of indication is EUIA to which an application submitted to the the European to protect the Secretary of State Union and the geographical under Article third country indication 11 during the were contracting submitted to the relevant period parties. Secretary of State and that under Article application: 11 during the (i) is not relevant period. submitted before 2. A geographical the relevant trade indication: mark application (a) that is not is accepted, or on Great Britain's (ii) is submitted GIs Register before the relevant before the day trade mark on which the application is paragraph 1 trade accepted but mark application for which a is accepted or notice relating to refused, the application (b) for which to protect the an application geographical to protect the indication is not geographical published by the indication is Secretary of State submitted to the under the second Secretary of State paragraph of under Article Article 16 before 11 during the the relevant trade relevant period, mark application and is accepted.

(c) for which an Article 16 approval notice relating to the application is published before the day on which the paragraph 1 trade mark application is accepted or refused.

## ANNEX 2B

### APPEALS

<b>Column 1 Decision</b>	<b>Column 2 Persons who may appeal against the decision</b>	<b>Column 3 FTT powers</b>
Decision of the Secretary of State to approve an application submitted under Article 11 or 13a to protect a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the application under Article 15; (b) a person marketing a product that is, or may be, affected by the protection of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from Great Britain's GIs Register, and (ii) remove the copy of the product specification for the geographical indication attached to Great Britain's GIs Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 11 or 13a to protect a geographical indication.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to protect the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to protect the geographical indication by: (i) making an entry for the geographical indication in Great Britain's GI Register, recording the data specified in Article 21(2) in the register, and (ii) attaching a copy of the product specification for the geographical indication to Great Britain's GI Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve an application submitted under Article 24 to amend a product specification for a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection in relation to the application under Article 15 (as it applies to an application to amend a product specification by virtue of Article 24(2)); (b) a person marketing a product that is, or may be, affected by the amendment of the product specification.	Power to: (a) quash the decision and direct the Secretary of State to: (i) restore the data in the entry for the geographical indication in Great Britain's GI Register (if appropriate); (ii) remove the copy of the amended product specification for the geographical indication attached to Great Britain's GI Register and replace

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		<p>it with a copy of the product specification for the geographical indication that was attached to the register immediately before the Secretary of State decided to approve the application, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
<p>Decision of the Secretary of State to reject an application submitted under Article 24 to amend a product specification for a geographical indication.</p>	<p>The persons are:</p> <p>(a) the person who submitted the application;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and (as appropriate) direct the Secretary of State to:</p> <p>(i) make such change to the data in the entry for the geographical indication in Great Britain's GI Register as the amendment to the product specification may entail;</p> <p>(ii) replace the copy of the product specification attached to Great Britain's GIs Register with a copy of the amended product specification, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
<p>Decision of the Secretary of State under Article 25, on the Secretary of State's own initiative, to cancel the protection of a geographical indication.</p>	<p>The persons are:</p> <p>(a) a person who lodges a duly substantiated statement of objection in relation to the proposed decision to cancel the geographical indication under Article 15 (as it applies to the cancellation of a geographical indication by virtue of the second paragraph of Article 25);</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the protection of the geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p> <p>(ii) reattach to Great Britain's GIs Register a copy of the product specification for the geographical indication that was attached to that register immediately before the Secretary of State decided to cancel the protection of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>

Decision of the Secretary of State to approve a request submitted under Article 25 to cancel the protection of a geographical indication.	The persons are: (a) a person who lodges a duly substantiated statement of objection under Article 15 in relation to the request (as it applies to a request to cancel the protection of a geographical indication by virtue of the second paragraph of Article 25); (b) a person marketing a product that is, or may be, affected by the cancellation of the protection of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) restore the entry for the geographical indication in Great Britain's GIs Register, and (ii) reattach to Great Britain's GIs Register a copy of the product specification for the geographical indication that was attached to that register immediately before the Secretary of State decided to cancel the protection of the geographical indication, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject a request submitted under Article 25 to cancel the protection of a geographical indication.	The persons are: (a) the person who submitted the request; (b) a person marketing a product that is, or may be, affected by the decision not to cancel the protection of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from Great Britain's GIs Register, and (ii) remove the copy of the product specification for the geographical indication attached to Great Britain's GIs Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.”

- F137** Words in Sch. 4 Pt. 8 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(d\)\(i\)](#)
- F138** Words in Sch. 4 Pt. 8 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(d\)\(ii\)\(aa\)](#)
- F139** Words in Sch. 4 Pt. 8 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(d\)\(ii\)\(bb\)](#)
- F140** Words in Sch. 4 Pt. 8 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(9\)\(d\)\(iii\)](#)

## SCHEDULE 5

Regulation 22

Commission Delegated Regulation (EU) No 664/2014: new provisions

**PART 1**

## Article 6: new paragraphs 4 to 4o

**Commencement Information****I52** Sch. 5 Pt. 1 in force at 31.12.2020, see [reg. 1\(7\)](#)

**“4.** This paragraph and paragraphs 4a to 4o apply to UK temporary amendments.

A UK temporary amendment is a temporary amendment made to a product specification for a protected designation of origin, protected geographical indication or traditional speciality guaranteed to take account of difficulties that would otherwise arise in connection with the production of a product in the United Kingdom in compliance with the product specification:

- (a) because of the imposition of an obligatory sanitary or phytosanitary measure in the United Kingdom (or any part of the United Kingdom) by, or linked to a natural disaster formally recognised by, the Secretary of State or by;
  - (i) the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
  - (ii) the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
  - (iii) the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
  - (iv) the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
  - (v) the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- (b) for reasons linked to adverse weather conditions in the United Kingdom, or any part of the United Kingdom, formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

**4a.** A UK temporary amendment application must be made to the Secretary of State.

**4b.** The procedure laid down in Articles 49 to 52 of Regulation (EU) No 1151/2012 does not apply to a UK temporary amendment application.

**4c.** A UK temporary amendment application may be made by a group having a legitimate interest in the relevant protected designation of origin, protected geographical indication or traditional speciality guaranteed.

**4d.** If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the UK temporary amendment application if that applicant still exists.

**4e.** A UK temporary amendment application must:

- (a) describe the amendment applied for,

- (b) be accompanied by a copy of the product specification annotated in a way to show the proposed temporary amendment,
- (c) compare for each amendment—
  - (i) the original product specification against the proposed amended product specification, and
  - (ii) where relevant, the original single document against the proposed amended single document,
- (d) provide a summary of the reasons why an amendment is required, explaining how the circumstances specified in point (a) or (b) of the second subparagraph of paragraph 4 affect the production of a product for which the protected designation of origin, protected geographical indication or traditional speciality guaranteed may be used,
- (e) be accompanied, as the case may be, by:
  - (i) evidence of the sanitary or phytosanitary measure or a reference to that measure that will enable the Secretary of State to identify the measure, and easily obtain a copy of it,
  - (ii) a copy of a document issued by the relevant authority recognising the natural disaster or a reference to that document that will enable the Secretary of State to identify the document and easily obtain a copy of it, or
  - (iii) a copy of a document issued by the Met Office of the Department for Business, Energy and Industrial Strategy recognising the adverse weather conditions or a reference to that document that will enable the Secretary of State to identify the document and easily obtain a copy of it,
- (f) provide an estimate, where this is possible, of the period during which it is anticipated that the UK temporary amendment will need to apply, and
- (g) contain all amendments to the product specification, and, where relevant, to the single document, for which approval is sought.

**4f.** A UK temporary amendment application that does not comply with paragraph 4e is not admissible.

**4g.** The Secretary of State must inform an applicant if a UK temporary amendment application is inadmissible as soon as reasonably practicable after receiving the application.

**4h.** The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the relevant product specification is appropriate.

**4i.** Where a UK temporary amendment application is approved, the Secretary of State must specify the period for which the UK temporary amendment is to apply.

**4j.** That period may be specified by reference to a set period of time or may be specified by reference to a period expiring on the happening of an event specified in the decision.

**4k.** The Secretary of State, in deciding a period during which an approved UK temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.

**4l.** The Secretary of State may extend the period during which a UK temporary amendment is to apply on one or more occasions if the Secretary of State considers it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

**4m.** After making a decision in relation to a UK temporary amendment application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
  - (i) informing the applicant, the original applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
  - (ii) providing information about the right to appeal under Article 54a of Regulation (EU) No 1151/2012 and the period within which an appeal may be made, and
- (b) where the application is approved, details of the temporary amendment made to the product specification and the period during which those temporary amendments apply.

**4n.** Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion that the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original applicant (if different) and the public of the extension of the period.

**4o.** In this Article, ‘a UK temporary amendment application’ means an application for a UK temporary amendment.”

## PART 2







### New Annex

#### Commencement Information

**I53** Sch. 5 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### “ANNEX

#### Quality schemes symbols

<i>Quality symbols</i>	<i>scheme</i>	<i>(1) Protected designation of origin</i>	<i>(2) Protected geographical indication</i>	<i>(3) Traditional speciality guaranteed</i>
Part A Coloured				
Part B Black and white				



## SCHEDULE 6

Regulation 23

Commission Implementing Regulation (EU) No 668/2014: new provisions

### PART 1

#### Article 14: new paragraphs 3 to 3n and 4 to 6

##### Commencement Information

**I54** Sch. 6 Pt. 1 in force at 31.12.2020, see [reg. 1\(7\)](#)

**“3.** Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to approve an amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is not minor and the amendment includes a change that affects the information recorded in the relevant register pursuant to paragraph 1 or 2, as relevant, the Secretary of State must, as soon as possible after the notice period relating to the decision notice has expired:

- (a) delete the original data and record the new data in the relevant register;
- (b) replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification.

**3a.** The new data recorded in the relevant register pursuant to paragraph 3(a) and the provisions in the approved updated product specification attached to the relevant register pursuant to paragraph 3(b) take effect immediately after:

- (a) the new data relating to the designation of origin, geographical indication or traditional speciality guaranteed is recorded in the relevant register, and
- (b) the copy of the approved updated product specification for the designation of origin, geographical indication or traditional speciality guaranteed is attached to the relevant register.

**3b.** Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to approve an amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is not minor and the amendment does not include a change that affects the information recorded in the relevant register pursuant to paragraph 1 or 2, as relevant, the Secretary of State must replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification as soon as possible after the notice period for the decision notice has expired.

**3c.** The provisions in the approved updated product specification attached to the register pursuant to paragraph 3b take effect immediately after the approved updated product specification is attached to the relevant register.

**3d.** Where the Secretary of State publishes a notice under the fifth subparagraph of Article 6(2) of Delegated Regulation (EU) No 664/2014 approving a change in the product specification for a designation of origin, geographical indication or traditional speciality guaranteed that is minor, the Secretary of State must replace the copy of the product specification attached to the relevant register with a copy of the approved updated product specification as soon as possible after the notice period for the notice has expired.

**3e.** The provisions in the approved updated product specification attached to the register pursuant to paragraph 3d take effect immediately after the approved updated product specification is attached to the relevant register.

**3f.** Where the Secretary of State publishes a notice under Article 6(4m) of Delegated Regulation (EU) No 664/2014 relating to a UK temporary amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed, the Secretary of State must record an entry in the relevant register relating to the UK temporary amendment as soon as possible after that notice is published.

**3g.** Based on the information given in the notice published under Article 6(4m) of Delegated Regulation (EU) No 664/2014, the data contained in the entry referred to in paragraph 3f must include the period during which the UK temporary amendment is to apply.

**3h.** Based on the information given in a notice published under Article 6(4n) of Delegated Regulation (EU) No 664/2014, the period stated in the relevant register pursuant to paragraph 3g as the period during which the UK temporary amendment is to apply must be changed where the period is extended under Article 6(4l) of that Regulation.

**3i.** The UK temporary amendment referred to in paragraph 3f takes effect immediately after the entry referred to in that paragraph (as read with paragraph 3g) is recorded in the register. From that time, the product specification attached to the relevant register, as read with the UK temporary amendment, applies during the period specified in the relevant register as the period during which the temporary amendment is to apply.

**3j.** The Secretary of State must remove an entry in Great Britain's PDOs and PGIs Register or Great Britain's TSG Register relating to a UK temporary amendment as soon as possible after the period specified in the relevant register pursuant to paragraph 3g (as read with paragraph 3h) has expired.

**3k.** Where the Secretary of State publishes a notice relating to a temporary amendment to a product specification for a designation of origin, geographical indication or traditional speciality guaranteed concerning a product originating in a third country under Article 6(3b) of Delegated Regulation (EU) No 664/2014 ('a third country temporary amendment'), the Secretary of State must record an entry in the relevant register relating to the third country temporary amendment as soon as possible after publishing that notice.

**3l.** Based on the information given in the notice published under Article 6(3b) of Delegated Regulation (EU) No 664/2014, the data contained in the entry referred to in paragraph 3k must include the period during which the third country temporary amendment is to apply.

**3m.** The third country temporary amendment referred to in paragraph 3k takes effect immediately after the entry referred to in paragraph 3k is recorded in the relevant register. From that time, the product specification attached to the register, as read with the third country temporary amendment, applies during the period specified in the register pursuant to paragraph 3l.

**3n.** The Secretary of State must remove an entry in Great Britain's PDOs and PGIs Register or Great Britain's TSG Register relating to a third country temporary amendment as soon as possible after the period specified in the relevant register pursuant to paragraph 3l has expired.

**4.** Where the Secretary of State publishes a decision notice relating to a decision of the Secretary of State to cancel a protected designation of origin, protected geographical indication or traditional speciality guaranteed, the Secretary of State must delete the entry relating to the designation of origin, geographical indication or traditional speciality guaranteed in the relevant register as soon as possible after the notice period has expired. The cancellation takes effect immediately after the entry in the relevant register is deleted from the register.

**5. In this Article:**

(a) ‘decision notice’:

(i) in paragraph 3 and 3b means a notice published under Article 52(4) of Regulation (EU) No 1151/2012 as it applies to an application for an amendment to a product specification that is not minor by virtue of the first subparagraph of Article 53(2) of Regulation (EU) No 1151/2012;

(ii) in paragraph 4 means a notice published under Article 52(4) of Regulation (EU) No 1151/2012 as it applies to cancellations by virtue of Article 7(1) of Delegated Regulation (EU) No 664/2014;

(b) ‘Great Britain's TSGs Register’ means the register established and maintained by the Secretary of State under Article 22(1) of Regulation (EU) No 1151/2012;

(c) in relation to a notice referred to in this Article, ‘notice period’ means the period of 20 days from the day on which the relevant notice is published by the Secretary of State, beginning with the day on which the notice is published.

**6.** In this Article a reference to ‘the information recorded in the relevant register pursuant to paragraph 1 or 2’ means the information recorded in Great Britain's PDOs and PGIs Register pursuant to paragraph 1 or Great Britain's TSG Register pursuant to paragraph 2, as relevant, or, where that information has been amended, that information as amended from time to time.”

## PART 2

### New Articles 14a and 14b

#### Commencement Information

**I55** Sch. 6 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### “Article 14a

*Register: established protected designations of origin  
and established protected geographical indications*

**1.** The Secretary of State must include the relevant data for each established protected designation of origin and established protected geographical indication in Great Britain's PDOs and PGIs Register.

**2.** The Secretary of State must include the relevant data referred to in paragraph 1 in Great Britain's PDOs and PGIs Register at the time the register is established by the Secretary of State under Article 11 of Regulation (EU) No 1151/2012 or as soon as possible after the register has been established by the Secretary of State.

**3.** The Secretary of State must use the Secretary of State's best endeavours in relation to each established protected designation of origin and established protected geographical indication to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication, and attach that document to Great Britain's PDOs and PGIs Register.

**4.** Where the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is in a foreign language the Secretary of State must attach an English language translation of that product specification to the register instead of the foreign language version of the product specification.

5. The Secretary of State must attach the product specification referred to in paragraph 3 (as read with paragraph 4) to Great Britain's PDOs and PGIs Register at the time when the register is established by the Secretary of State under Article 11 of Regulation (EU) No 1151/2012 or as soon as possible after the register has been established by the Secretary of State.

6. The EU product specification attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) must be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB agri-food scheme.

7. Paragraph 6 does not prevent a product specification attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 6 from being amended under Article 53 of Regulation (EU) No 1151/2012.

8. Where paragraph 9 applies, the Secretary of State may, in relation to an established protected designation of origin or established protected geographical indication, attach a copy of an EU single document for the corresponding EU designation of origin or corresponding EU geographical indication to the register.

9. This paragraph applies if, in relation to an established protected designation of origin or established protected geographical indication, the Secretary of State is unable to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication within three years beginning with the day after the day on which IP completion day falls.

10. Where the Secretary of State decides to attach an EU single document for a corresponding EU designation of origin or corresponding EU geographical indication to Great Britain's PDOs and PGIs Register under paragraph 8 and that EU single document is in a foreign language, the Secretary of State must attach an English language translation of that single document to the register instead of the foreign language version of that document.

11. The copy of the EU single document attached to the register pursuant to paragraph 8 (as read with paragraph 10) is to be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB agri-food scheme.

12. Paragraph 11 does not prevent a single document attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 8 (as read with paragraph 10) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 11 from being amended under Article 53 of Regulation (EU) No 1151/2012.

13. In this Article:

- (a) 'the corresponding EU designation of origin', in relation to an established protected designation of origin, means the designation of origin that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected designation of origin;
- (b) 'the corresponding EU geographical indication' in relation to an established protected geographical indication means the geographical indication that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected geographical indication;

- (c) ‘established protected designation of origin’ has the meaning given in Article 3(18) of Regulation (EU) No 1151/2012;
- (d) ‘established protected geographical indication’ has the meaning given in Article 3(19) of Regulation (EU) No 1151/2012;
- (e) ‘the relevant data’, in relation to an established protected designation of origin or established protected geographical indication, means the data specified in Article 14(1)(a), (b), (d) and (e) of EU Regulation 668/2014 that was recorded in the European Union’s PDOs and PGIs Register immediately before IP completion day for the corresponding EU designation of origin or corresponding EU geographical indication;
- (f) ‘the relevant legislation relating to the GB agri-food scheme’ means:
  - (i) Regulation (EU) No 1151/2012,
  - (ii) Delegated Regulation (EU) No 664/2014, and
  - (iii) this Regulation.

**14.** In this Article any reference to:

- (a) the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is to be read as a reference to the product specification for the corresponding EU designation of origin or corresponding EU geographical indication as that product specification stood immediately before IP completion day;
- (b) the EU single document for a corresponding EU designation of origin or corresponding EU geographical indication is to be read as a reference to the single document for the corresponding EU designation of origin or corresponding EU geographical indication as that single document stood immediately before IP completion day.

*Article 14b*

*Register: established protected traditional specialities guaranteed*

**1.** The Secretary of State must include the relevant data for each established protected traditional speciality guaranteed in the register established by the Secretary of State pursuant to Article 22 of Regulation (EU) No 1151/2012 at the time when the register is established by the Secretary of State pursuant to that Article or as soon as possible after the register has been established by the Secretary of State.

**2.** In this Article:

- (a) ‘the corresponding EU traditional speciality guaranteed’, in relation to an established protected traditional speciality guaranteed, means the traditional speciality guaranteed that was protected in the European Union under EU Regulation 1151/2012 immediately before IP completion day that corresponds to the established protected traditional speciality guaranteed;
- (b) ‘established protected traditional speciality guaranteed’ has the meaning given in Article 3(20) of Regulation (EU) No 1151/2012;
- (c) ‘the relevant data’, in relation to an established protected traditional speciality guaranteed, means the data specified in Article 14(2)(a) and (b) and (d) to (f) of EU Regulation 668/2014 that was recorded in the European Union’s TSGs Register immediately before IP completion day for the corresponding EU traditional speciality guaranteed;

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (d) ‘the European Commission's TSGs Register’ means the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012.”

## SCHEDULE 7

Regulation 24

Commission Delegated Regulation (EU) 2018/273: new provisions

## PART 1

Annex 6, Part 2, Section A: new template for the wine export certificate referred to in Article 12(1)(b)

### Commencement Information

**I56** Sch. 7 Pt. 1 in force at 31.12.2020, see [reg. 1\(7\)](#)

<b>GREAT BRITAIN</b> <b>WINE EXPORT CERTIFICATE</b> For wines exported from Great Britain to ... This is a multi-purpose certificate, established in accordance with Article 12 of Delegated Regulation (EU) 2018/273 (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended, for use as: Certificate of Origin, Certificate of Health and Certificate of Authenticity	
2. Consignor:  2a. Identification:	A. Exporter:  Aa. Identification:

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

3. Place of dispatch:	A1. Premises:	
5. Identity of means of transport (nature):	6. Reference:	
B. Importer:	Ba. Place of delivery:	
17p. Description:	17df. Quantity (Litres):	Details:
<p>17l. Certification:</p> <p>I, undersigned, responsible for these products for export, certify the following information:</p> <p>– the products listed above were produced and bottled in Great Britain/on .....</p> <p>– all the products comply with the provisions governing the production and release of products for direct human consumption under the law in Great Britain;</p> <p>– the products were produced by normal and approved methods of production and not specifically for the purpose of export and the products are authentic and are fit for human consumption in Great Britain;</p> <p>– the products listed above were produced and bottled in compliance with the law in the Great Britain as wines with:</p> <p><input type="checkbox"/> protected designation of origin (PDO) or protected geographical indication (PGI) registered in Great Britain's PDOs and PGIs Register for wine established and maintained in Great Britain in accordance with Article 104 of Regulation (EU) No 1308/2013 (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended, ("Regulation (EU) No 1308/2013");</p> <p><input type="checkbox"/> indication of the vintage year in accordance with the rules provided for in Article 120 of Regulation (EU) No 1308/2013;</p> <p><input type="checkbox"/> indication of the wine grape variety(ies) ('varietal wines') in accordance with the rules provided for in Articles 81 and 120 of Regulation (EU) No 1308/2013.</p> <p>Complementary certification (optional)</p>		

<p>10. The control authorities confirm that the consignor of the wine products described in this certificate is registered by and attached to ..... with the obligation that all wine products must be registered and subject to supervision and inspection by the competent authorities.</p>		
18. Signature:	Date:	18a. Unique administrative reference assigned by the competent authorities:
Name and title:		(Article 11(4) of Delegated Regulation (EU) 2018/273) ARC
<p>The consignor or representative certifying the above information (Article 12(2) of Delegated Regulation (EU) 2018/273):</p>		

## PART 2

### Annex 7: new Parts 1 and 2

#### Commencement Information

**I57** Sch. 7 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

## “PART 1

### Specimen of the VI-1 document referred to in Article 22

1. Exporter (name and address)	THIRD COUNTRY OF ISSUE:  VI 1                      Serial No  DOCUMENT FOR THE IMPORT OF WINE, GRAPE JUICE OR GRAPE MUST INTO GREAT BRITAIN
2. Consignee (name and address)	3. Customs stamp (for official use only)
4. Means of transport and transport details	5. Place of unloading (if different from 2)

6. Description of the imported product	7. Quantity in l/hl/kg <sup>(1)</sup>
	8. Number of containers
<p>9. CERTIFICATE</p> <p>The product described above <sup>(2)</sup> <input type="checkbox"/> is <input type="checkbox"/> is not intended for direct human consumption, complies with the definitions or categories of grapevine products that apply in Great Britain and has been produced using oenological practices <sup>(2)</sup> <input type="checkbox"/> recommended and published by the OIV/<input type="checkbox"/> authorised for use in Great Britain.</p> <p>Full name and address of the competent body:                      Place and date:</p> <p>Stamp:                      Signature, name and title of the official:</p>	
<p>10. ANALYSIS REPORT (describing the analytical characteristics of the product described above)</p> <p>FOR GRAPE MUST AND GRAPE JUICE</p> <p>— Density:</p> <p>FOR WINE AND GRAPE MUST STILL IN FERMENTATION</p> <p>— Total alcoholic strength:                      — Actual alcoholic strength:</p> <p>FOR ALL PRODUCTS</p> <p>— Total dry extract:                      — Total sulphur dioxide:</p> <p>— Total acidity:                      — Volatile acidity:                      — Citric acidity:</p> <p>Full name and address of the designated body or department (laboratory)</p>	

Stamp:	Place and date:
	Signature, name and title of official:

<sup>(1)</sup> Delete as appropriate.  
<sup>(2)</sup> Put an 'X' in the appropriate box.

### Attribution (entry into free circulation and issue of extracts)

Quantity	11. No and date of the customs document of release into free circulation and of the extract	12. Full name and address of consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
14. Other remarks			



## PART 2

### Specimen of the VI-2 document referred to in Article 22

GREAT BRITAIN	VI 2      Serial No
1. Consignor (name and address)	
2. Consignee (name and address)	EXTRACT OF A DOCUMENT FOR THE IMPORT OF WINE, GRAPE JUICE OR GRAPE MUST INTO GREAT BRITAIN
3. Extract VI 1 document	4. Extract of VI 2 extract
No	No
Issued by (name of third country):	Stamped by (full name and address of the customs office within Great Britain):
On:	On:
5. Description of the imported product	6. Quantity in l/hl/kg <sup>(1)</sup>
	7. Number of containers
<p>8. CONSIGNOR'S DECLARATION <sup>(2)</sup></p> <p>The VI 1 document referred to in box 3 <input type="checkbox"/> The extract referred to in box 4 <input type="checkbox"/> was completed in respect of the product described above and comprises:</p> <p><input type="checkbox"/> a CERTIFICATE to the effect that the product described above <input type="checkbox"/> is <input type="checkbox"/> is not intended for direct human consumption, complies with the definitions or categories of grapevine products that apply in Great Britain and has been produced using oenological practices <sup>(2)</sup> <input type="checkbox"/> recommended and published by the OIV/ <input type="checkbox"/> authorised for use in Great Britain.</p> <p><input type="checkbox"/> an ANALYSIS REPORT showing that the product has the following analytical characteristics:</p> <p>FOR GRAPE MUST AND GRAPE JUICE</p> <p>— Density:</p>	

FOR WINE AND GRAPE MUST STILL IN FERMENTATION		
— Total alcoholic strength:	— Actual alcoholic strength:	
FOR ALL PRODUCTS		
— Total dry extract:	— Total sulphur dioxide:	
— Total acidity:	— Volatile acidity:	— Citric acidity:
<p><input type="checkbox"/> an ENDORSEMENT <sup>(2)</sup> from the competent authority certifying that:</p> <p>— the wine covered by this document is certified as having been produced in the wine-growing region and was given the geographical indication shown in box 5 in accordance with the provisions of the country of origin.</p> <p>— the alcohol added to this wine is certified as being wine alcohol.</p> <p>Signature:</p>		
9. CUSTOMS		
Declaration certified as true Place and date:	Stamp:	Full name and address of the customs office concerned:
Signature:		

<sup>(1)</sup> Delete as appropriate.

<sup>(2)</sup> Put an 'X' in the appropriate box.

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

*Attribution (entry into free circulation and issue of extracts)*

Quantity	10. No and date of the customs document of release into free circulation and of the extract	11. Full name and address of consignee (extract)	12. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
13. Other remarks			

SCHEDULE 8

Regulation 26

Commission Delegated Regulation (EU) 2019/33: new provisions

**PART 1**

New Articles 1a and 1b

**Commencement Information**

**I58** Sch. 8 Pt. 1 in force at 31.12.2020, see reg. 1(7)

*“Article 1a*

*Definitions*

In this Regulation:

- (a) ‘the 1990 Act’ means the Food Safety Act 1990;
- (b) ‘the EUWA’ means the European Union (Withdrawal) Act 2018;
- (c) ‘Regulation 607/2009’ means Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;
- (d) ‘EU Regulation 2019/33’ means Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation as it had effect before IP completion day;
- (e) ‘the appropriate authority’ means:

- (i) in relation to England, the Secretary of State;
  - (ii) in relation to Scotland, the Scottish Ministers;
  - (iii) in relation to Wales, the Welsh Ministers;
- (f) ‘an Article 115(2) approval notice’ means a notice published under the second subparagraph of Article 115(2) of Regulation (EU) No 1308/2013 relating to a decision of the Secretary of State to approve an application to protect a traditional term;
- (g) ‘constituent nation’ means England, Northern Ireland, Scotland or Wales as the case may be;
- (h) ‘country’, in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;
- (i) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;
- (j) ‘established protected traditional terms’ means traditional terms within the meaning of Article 112 of Regulation (EU) No 1308/2013 to which Article 54(2) of the EU withdrawal agreement applies;
- (k) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a traditional term used in the third country in the European Union;
- (l) ‘FTT’ means the First-tier Tribunal;
- (m) ‘Great Britain's Traditional Terms Register’ mean the register referred to in Article 25 of Implementing Regulation (EU) 2019/34;
- (n) ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a traditional term following the submission of an application under Article 21 of Implementing Regulation (EU) 2019/34 or Article 34 of this Regulation, or a request made under Article 35 of this Regulation, means the person who submitted the application or request;
- (o) ‘the original (protection) applicant’, in relation to a traditional term protected under Article 113 of Regulation (EU) No 1308/2013 following the approval of an application submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34, means the person who submitted that application;
- (p) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;
- [<sup>F141</sup>(q) ‘third country means—
- (i) for the purposes of the definition of ‘EUIA’ in point (k), Article 32c and Annex A1 (other than the reference in paragraph (ii)), any country other than:
    - (aa) any part of the British Islands, or
    - (bb) a member State;
  - (ii) for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex A1, any country other than any part of the British Islands;
  - (iii) for all other purposes, any country other than the United Kingdom, and includes:
    - (aa) the Bailiwick of Guernsey;
    - (bb) the Bailiwick of Jersey;
    - (cc) the Isle of Man;]

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (r) ‘third country standard amendment’ has the meaning given by Article 14(2c);
- (s) ‘third country temporary amendment’ has the meaning given by Article 14(2d);
- (t) ‘the TMA’ means the Trade Marks Act 1994;
- (u) ‘the Types Table’ means the table in Part C of Annex A1;
- (v) ‘UK standard amendment’ has the meaning given by Article 14(2a);
- (w) ‘UK temporary amendment’ has the meaning given by Article 14(2b).

#### Article 1b

#### Definitions: types of traditional term

In Article 32a and Annex A1 any reference to:

- (a) ‘a type 1 traditional term’ means a traditional term of a type described in column 2 of row 1 of the Types Table;
- (b) ‘a type 2A traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (c) ‘a type 2B traditional term’ means a traditional term of the type described in column 2 of row 2 of the Types Table to which the provisions in column 4 of that row apply;
- (d) ‘a type 3A traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which paragraph 1 or 2 in column 3 of that row applies;
- (e) ‘a type 3B traditional term’ means a traditional term of the type described in column 2 of row 3 of the Types Table to which the provisions in column 4 of that row apply;
- (f) ‘a type 4A traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- (g) ‘a type 4B traditional term’ means a traditional term of the type described in column 2 of row 4 of the Types Table to which the provisions in column 4 of row 3 of that table apply;
- (h) ‘a type 5A traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which paragraph 1 or 2 in column 3 of row 3 of that table applies;
- (i) ‘a type 5B traditional term’ means a traditional term of the type described in column 2 of row 5 of the Types Table to which the provisions in column 4 of row 3 of that table apply.”

**F141** Words in [Sch. 8 Pt. 1](#) substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(10\)\(a\)](#)

## PART 2

### Article 18: new paragraphs 1 to 1n

#### Commencement Information

**I59** Sch. 8 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

“1. Paragraphs 1a to 1n apply to an application for a UK temporary amendment to a product specification for a protected designation of origin or protected geographical indication (‘a UK temporary amendment application’).

**1a.** A UK temporary amendment application must be made to the Secretary of State.

**1b.** The procedures laid down in Articles 94 and 97 to 99 of Regulation (EU) No 1308/2013 do not apply to a UK temporary amendment application.

**1c.** A UK temporary amendment application may be made by a group of producers having a legitimate interest in the relevant protected designation of origin or protected geographical indication unless the application to register the designation of origin or geographical indication was made by a single applicant, in which case the temporary amendment application may be made by that person.

**1d.** If a UK temporary amendment application is not made by the original (protection) applicant, the Secretary of State must give the original (protection) applicant the opportunity to make comments on the application if that applicant still exists.

**1e.** A UK temporary amendment application must:

- (a) describe the amendment applied for,
- (b) be accompanied by a copy of the product specification and, where relevant, the single document, showing the proposed temporary amendment,
- (c) compare for each amendment:
  - (i) the original product specification against the proposed modified product specification, and
  - (ii) where relevant, the original single document against the proposed modified single document,
- (d) provide an explanation of why the temporary amendment is needed, and
- (e) provide an estimate, where this is possible, of how long it is anticipated that the temporary amendment will be needed for.

**1f.** A UK temporary amendment application that does not comply with paragraph 1e is inadmissible.

**1g.** Where a UK temporary amendment application is inadmissible, the Secretary of State must inform the applicant that the application is inadmissible as soon as reasonably practicable after receiving the application.

**1h.** The Secretary of State may approve a UK temporary amendment application if the Secretary of State considers that a temporary amendment to the product specification is appropriate.

**1i.** Where a UK temporary amendment application is approved, the Secretary of State must specify the period during which the temporary amendment is to apply.

**1j.** The period during which an approved temporary amendment is to apply may be specified by reference to a set period of time or may be specified by reference to the happening of a specified event.

**1k.** The Secretary of State, in deciding the period for which an approved temporary amendment is to apply, must take into account the conditions prevailing at the time the decision to approve the application is taken and, where possible, the period for which the Secretary of State anticipates that those conditions will continue.

**1l.** The Secretary of State may, on an application by a group of producers or single applicant who made a UK temporary amendment application under paragraph 1a, as read with paragraph 1c, extend the period during which a relevant approved temporary amendment is to apply on one or more occasions if the Secretary of State considers that it is appropriate to do so having regard to the conditions prevailing at the time that decision is made.

**1m.** After making a decision on a UK temporary amendment application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
  - (i) informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
  - (ii) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, details of the approved temporary amendment and the period during which that temporary amendment is to apply.

**1n.** Where a UK temporary amendment application is approved and the period during which the temporary amendment is to apply is extended, the Secretary of State must, on each occasion the period is extended, publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the applicant, the original (protection) applicant (if different) and the public that the period has been extended and the reasons for that decision and specifying the extended period during which the temporary amendment is to apply.”

## PART 3

### New Articles 32a and 32b

#### Commencement Information

**I60** Sch. 8 Pt. 3 in force at 31.12.2020, see reg. 1(7)

#### “Article 32a

##### *Transitional provision: relationship with trade marks*

**1.** Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where, if the trade mark is registered, the use of the trade mark will not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and the conditions of use in Article 113 of that Regulation in relation to a category A traditional term.

**2.** Unless paragraph 4 applies, an application to register a trade mark that was pending immediately before IP completion day or filed during the relevant period must be refused where:

- (a) if the trade mark is registered, the use of the trade mark will not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a category B traditional term, and
- (b) after the application for the trade mark is accepted but before the trade mark is registered:

- (i) in the case of a type 2B traditional term:
    - (aa) the international agreement referred to in paragraph (c) of column 2 of row 2 of the Types Table enters into force [<sup>F142</sup>or the bridging arrangements referred to in that column are made], and
    - (bb) the entry into force of the international agreement [<sup>F143</sup>or the making of the bridging arrangements] is brought to the attention of the registrar before the trade mark is registered;
  - (ii) in the case of any other category B traditional term:
    - (aa) the Secretary of State publishes an Article 115(2) approval notice relating to the traditional term, and
    - (bb) the Article 115(2) approval notice is brought to the attention of the registrar before the trade mark is registered.
3. Where an application for a declaration of invalidity is made under the TMA (as applied by Article 32b(1) and modified by Article 32b(2)) in relation to the registration of a trade mark, the registration of the trade mark must be declared to be invalid, unless paragraph 4 applies, if:
- (a) the application to register the trade mark was pending immediately before IP completion day or filed during the relevant period,
  - (b) the use of the trade mark does not, or will not, if used, respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a category B traditional term, and
  - (c) in the case of a type 3B, 4B or 5B traditional term, the Secretary of State publishes an Article 115(2) approval notice relating to the traditional term on or after the day on which the trade mark application is accepted.
4. This paragraph applies where a column 5 date applies in relation to a category A or B traditional term and, taking account of any priority claimed in respect of an application to register the trade mark referred to in paragraph 1, 2 or 3(a) (as relevant) and on the basis of the information available to the registrar, it appears to the registrar that the date of filing of the trade mark application is earlier than the column 5 date that applies to the relevant traditional term.
5. As regards paragraphs 1 and 2, a column 5 date does not apply in relation to a type 2A, 3A or 4A traditional term where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the traditional term provides that an application for a trade mark must be refused, regardless of when that application is filed, if the trade mark, if registered, will contravene a provision in the EUIA providing for the protection of the use of the traditional term
6. As regards paragraph 3, a column 5 date does not apply in relation to a type 2B, 3B or 4B traditional term where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to the traditional term provides that the registration of a trade mark must be invalidated if, regardless of when the application that resulted in the registration of the trade mark is filed, the use of the trade mark contravenes a provision in the EUIA providing for the protection of the use of the traditional term.
7. Where a traditional term falls within the definition of more than one type of traditional term in Article 1b, the column 5 date to be taken into account for the purpose of paragraph 4 is the earliest of the column 5 dates for the relevant types of traditional term.
8. In a case of a category A or B traditional term that is not on Great Britain's Traditional Terms Register at the time an assessment is carried out under paragraph 1, 2 or 3, the traditional term is to be treated, for the purpose of the assessment, as being a protected traditional term in

determining whether the use of the trade mark will contravene Article 113 in relation to that traditional term.

**9.** A trade mark that could be used under Article 32(3) of EU Regulation 2019/33 in the United Kingdom immediately before IP completion day may continue to be used in Great Britain on and after IP completion day:

- (a) notwithstanding that the use of the trade mark would not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a traditional term registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**10.** Nothing in this Regulation prevents a trade mark that could be renewed in the United Kingdom pursuant to Article 32(3) of EU Regulation 2019/33 immediately before IP completion day from being renewed after IP completion day:

- (a) notwithstanding that the use of the renewed trade mark would not respect the definition in Article 112 of Regulation (EU) No 1308/2013 and conditions of use in Article 113 of that Regulation in relation to a traditional term registered by the Secretary of State under this Regulation;
- (b) provided that no grounds for the invalidation or revocation of the trade mark exist in, or under, the TMA.

**11.** Where paragraph 9 or 10 applies to the use or renewal of a trade mark, this does not affect the use of:

- (a) an established protected traditional term entered on Great Britain's Traditional Terms Register pursuant to Article 39;
- (b) a traditional term entered on Great Britain's Traditional Terms Register by the Secretary of State following a decision by the Secretary of State to approve an application to protect the traditional term submitted under Article 21 of Implementing Regulation (EU) 2019/34;
- (c) a traditional term entered on Great Britain's Traditional Terms Register by the Secretary of State under Article 25(3) of Implementing Regulation (EU) 2019/34.

**12.** In this Article:

- <sup>F144</sup>(a) .....
- (b) 'a category A traditional term' means a type 1, 2A, 3A, 4A or 5A traditional term;
  - (c) 'a category B traditional term' means a type 2B, 3B, 4B or 5B traditional term;
  - (d) 'column 5 date', in relation to a traditional term that is a category A or B traditional term, means the date specified, or provided for, in column 5 of the Types Table in the row relating to the relevant type of traditional term;
  - (e) 'date of filing':
    - (i) in the case of an EUTM-based trade mark application, means the filing date referred to in paragraph 25(2)(a)(i) of Schedule 2A to the TMA for the existing EUTM application;
    - (ii) in the case of an ITM-based trade mark application, means:
      - (aa) in the case of an application for the registration of a trade mark to which paragraph 28 of Schedule 2B to the TMA applies, the date referred to in paragraph 28(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);



- (bb) in the case of an application for the registration of a trade mark to which paragraph 29 of Schedule 2B to the TMA applies, the date referred to in paragraph 29(2)(a) of that Schedule for the existing ITM application or existing request for EU extension (as the case may be);
    - (iii) in any other case, has the meaning given by section 33 of the TMA;
  - (f) ‘EUTM-based trade mark application’ means an application to register a trade mark to which paragraph 25(1) of Schedule 2A to the TMA applies that is made within the period specified in paragraph 25(2) of that Schedule;
  - (g) ‘existing EUTM application’ has the same meaning as in paragraph 24 of Schedule 2A to the TMA;
  - (h) ‘existing ITM application’ has the same meaning as in paragraph 27(1)(a) of Schedule 2B to the TMA;
  - (i) ‘existing request for EU extension’ has the same meaning as in paragraph 27(1)(b) of Schedule 2B to the TMA;
  - (j) ‘ITM-based trade mark application’ means an application to register a trade mark to which paragraph 28(1) or 29(1) of Schedule 2B to the TMA applies that is made within the period specified in paragraph 28(1)(c) or 29(1)(c) (as the case may be) of that Schedule;
  - (k) ‘the registrar’ has the meaning given by section 62 of the TMA.
- 13.** Any reference in this Article to:
- (a) ‘priority claimed in respect of an application’:
    - (i) in the case of an EUTM-based trade mark application, means any priority claimed in respect of the existing EUTM application referred to in paragraph 25(2)(a)(ii) of Schedule 2A to the TMA;
    - (ii) in the case of an ITM-based trade mark application, means any priority claimed in respect of the existing ITM application or the existing request for EU extension referred to in paragraph 28(2)(b) or 29(2)(b) (as the case may be) of Schedule 2B to the TMA;
    - (iii) in any other case, means any priority claimed in respect of the application pursuant to section 35 of the TMA;
  - (b) an application to register a trade mark that was ‘pending immediately before IP completion day’ is a reference to an application that was neither refused, nor resulted in the registration of the trade mark that is the subject of the application, before IP completion day;
  - (c) a trade mark includes a reference to:
    - (i) a collective mark as defined in section 49(1) of the TMA;
    - (ii) a certification mark as defined in section 50(1) of the TMA.

#### *Article 32b*

##### *Application and modification of trade mark provisions*

**1.** For the purpose of Article 32a, the following provisions of the TMA apply, with the modifications, in the case of sections 47(3) and (5), 74(1), 76(1) and 77(1), specified in paragraph 2:

- (a) subsections (3) to (5) and (6) of section 47 (invalidation of trade marks) in relation to an application to invalidate a trade mark referred to in Article 32a(3);

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (b) section 72 (registration to be prima face evidence of validity);
- (c) section 73 (certificate of validity of contested application);
- (d) section 74 (registrar's appearance in proceedings involving the register of trade marks);
- (e) section 75 (definition of 'the court');
- (f) section 76 (appeals) except for subsection (5);
- (g) section 77(1) (persons appointed to hear and determine appeals).

**2. The modifications are:**

- (a) section 47 applies as if:
  - (i) in subsection (3), in the words before paragraph (a), after 'invalidity' there were inserted 'made under this section, as applied by Article 32b(1) of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation,';
  - (ii) in subsection (5), for 'grounds of invalidity' there were substituted 'ground for invalidity specified in Article 32a(3) of Commission Delegated Regulation (EU) 2019/33 exists';
- (b) section 74(1) applies as if, for the words from 'for' to 'the registrar' there were substituted 'for a declaration of the invalidity of the registration of a trade mark, the registrar';
- (c) section 76(1) applies as if:
  - (i) in the first paragraph, for the words from 'under' to the end there were substituted 'made under Article 32a(3) of Commission Delegated Regulation (EU) 2019/33';
  - (ii) the second paragraph were omitted;
- (d) section 77(1) applies as if, at the end there were inserted 'as applied by Article 32b(1) of Commission Delegated Regulation (EU) 2019/33'.

**3. In the case of the following proceedings, the rules made under section 68 or 69 of the TMA apply to those proceedings as they apply to proceedings involving an application of the type referred to in section 74(1)(b) of the TMA:**

- (a) an application to invalidate a trade mark referred to in Article 32a(3);
- (b) an appeal to an appointed person from a decision of the registrar in relation to an application referred to in paragraph (a)."

- F142** Words in [Sch. 8 Pt. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(10\)\(b\)\(i\)\(aa\)](#)
- F143** Words in [Sch. 8 Pt. 3](#) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(10\)\(b\)\(i\)\(bb\)](#)
- F144** Words in [Sch. 8 Pt. 3](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), [16\(10\)\(b\)\(ii\)](#)

## PART 4

### Chapter 3: new Section 6

#### Commencement Information

**I61** Sch. 8 Pt. 4 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### “SECTION 6

##### *Appeals*

##### *Article 39a*

##### *Appeals: general*

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Annex A2.
2. Such an appeal may be made:
  - (a) in all cases, by a person or third country authority specified in the corresponding entry in column 2 of the table in Annex A2;
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal the FTT:
  - (a) must consider the decision appealed against afresh;
  - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Annex A2.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
  - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
  - (b) the provisions of this Section and Annex A2 apply to the fresh decision made by the Secretary of State.
6. An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Annex A2 does not prevent an entry recorded on Great Britain's Traditional Terms Register by the Secretary of State following that decision from having effect.
7. The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
  - (a) in a case where the FTT quashes the Secretary of State's decision and directs the Secretary of State to take specified action, that action has been taken;

- (b) in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

#### *Article 39b*

#### *Secretary of State decision to consider a decision afresh and the effect of that decision on appeal*

1. The Secretary of State may consider a decision specified in column 1 of the table in Annex A2 ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time the original decision was made.
2. Paragraph 1 applies even though an appeal has been made in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
  - (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
  - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
  - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

## **PART 5**

### New Article 61

#### **Commencement Information**

**I62** Sch. 8 Pt. 5 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *"Article 61*

#### *Transitional measures*

1. Without prejudice to Article 41 of the EU withdrawal agreement, products to which paragraphs 2 and 3 apply may be marketed until stocks are exhausted.
2. This paragraph applies to grapevine products that:

- (a) were labelled in the United Kingdom but not placed on the market in the United Kingdom or a member State before 14th January 2019,
  - (b) do not comply with the requirements in force under this Regulation, and
  - (c) comply with the requirements of Regulation 607/2009 as those requirements had effect immediately before Regulation 607/2009 was repealed by EU Regulation 2019/33.
3. This paragraph applies to grapevine products that:
- (a) were labelled in the United Kingdom but not placed on the market in the United Kingdom or a member State before IP completion day,
  - (b) do not comply with the requirements in force under this Regulation, and
  - (c) comply with the requirements of EU Regulation 2019/33 as it had effect immediately before IP completion day.
4. Products to which paragraph 5 applies may be marketed:
- (a) before the relevant day, and
  - (b) in relation to stocks of such products in existence immediately before the relevant day, on and after the relevant day until stocks are exhausted.
5. This paragraph applies to grapevine products that:
- (a) were labelled without being placed on the market, in the United Kingdom on or after IP completion day and before the relevant day,
  - (b) do not comply with the requirements in force under this Regulation, and
  - (c) comply with the requirements of EU Regulation 2019/33 as it had effect immediately before IP completion day.
6. In this Article:
- (a) ‘making available on the market’ has the meaning given in Article 40(a) of the EU withdrawal agreement;
  - (b) ‘placed on the market’ means the first making available on the market of a grapevine product;
  - (c) ‘the relevant day’ means the day that falls 21 months after the day on which IP completion day falls.”

## PART 6

### New Annexes A1 and A2

#### Commencement Information

**I63** Sch. 8 Pt. 6 in force at 31.12.2020, see reg. 1(7)

## “ANNEX A1

Types of traditional term to which Article 32a applies

### PART A

#### Interpretation

**1.** In the table in Part C:

- (a) ‘EU Regulation 2019/34’ means Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks as it had effect before IP completion day;
- (b) ‘the European Commission’s Traditional Terms Register’ means the register maintained by the European Commission under Article 25 of EU Regulation 2019/34;
- (c) ‘grapevine product’ means a product referred to in point 1, 3 to 6, 8, 9, 11, 15 or 16 of Part 2 of Annex 7 to Regulation [\(EC\) No 1308/2013](#);
- (d) ‘the paragraph 1 trade mark application’ means the application to register a trade mark referred to in Article 32a(1);
- (e) ‘the relevant EUIA-based date’ means the date determined in accordance with Part B;
- (f) ‘the relevant pre-IP completion day legislation’ means:
  - (i) in the case of an application to register a traditional term submitted to the European Commission under Regulation 607/2009, Article 29 of that Regulation;
  - (ii) in the case of an application to register a traditional term submitted to the European Commission under EU Regulation 2019/34, Article 21 of that Regulation;
- (g) ‘the relevant trade mark application’ means the application to register a trade mark referred to in Article 32a(2) or (3)(a), as relevant.

### PART B

#### The relevant EUIA-based date

**2.** In the table in Part C, in a case where the relevant EUIA-based date applies, the relevant EUIA-based date means:

- (a) the date provided for in paragraph 3, or
- (b) where paragraph 3 does not apply, the date provided for in the relevant point of paragraph 4, or paragraph 5, as relevant to the traditional term.

**3.** In a case where the EUIA referred to in paragraph (b) in column 2 of the row of the Types Table relating to a traditional term contained priority provisions that applied to the traditional

term, the relevant EUIA-based date is the priority date provided for in the EUIA that applied to that traditional term.

4. In a case of a type 2A, 2B, 3A or 3B traditional term to which paragraph 3 does not apply, the relevant EUIA-based date is:

- (a) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA (without the need for further action to be taken under the EUIA), the date on which the amendment entered into force;
- (b) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to a provision in the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the provision was provisionally applied;
- (c) in a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to an amendment made to the EUIA that was provisionally applied before IP completion day (without the need for further action to be taken under the EUIA), the date on which the amendment was provisionally applied;
- (d) in a case where the traditional term was protected in the European Union immediately before IP completion day following the submission and processing of a request, or application, for protection or assessment (however described) under a provision in the EUIA providing for such requests, or applications, the date on which the request, or application, for protection or assessment was submitted under the EUIA;
- (e) in any other case, including a case where the traditional term was protected in the European Union immediately before IP completion day pursuant to provisions in the EUIA that applied from the date that the EUIA entered into force (without the need for further action to be taken under the EUIA), the date on which the relevant EUIA entered into force.

5. In a case of a type 4A or 4B traditional term to which paragraph 3 does not apply and for which a request, or application, for protection or assessment (however described) was submitted before IP completion day in accordance with provisions in the EUIA, the relevant EUIA-based date is the date on which the request, or application, for protection or assessment was submitted in accordance with the EUIA.

6. Any reference in this Part to:

- (a) ‘the priority date’ means the date provided for in priority provisions in an EUIA as the date that must be taken into account when determining whether an application for a trade mark may be granted, including:
  - (i) a calendar date specified in the EUIA;
  - (ii) a date relating to the happening of a specified event;
- (b) ‘priority provisions’ means provisions in an EUIA that governed the relationship between trade marks and traditional terms that provided (however expressed):
  - (i) that, in the circumstances specified in the EUIA, an application for a trade mark must be refused if the application for the trade mark was filed after a date provided for in the EUIA,
  - (ii) that, in the circumstances specified in the EUIA, the registration of a trade mark must be invalidated if the application that resulted in the registration of that trade mark was filed after a date provided for in the EUIA, or

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (iii) for both the refusal of applications for trade marks, and the invalidation of the registration of trade marks, as provided for in points (i) and (ii);
- (c) ‘without the need for further action to be taken under the EUIA’, in relation to a traditional term protected in the European Union immediately before IP completion day pursuant to an EUIA, means that the provisions in the EUIA providing for the traditional term to be protected in the European Union did not require:
  - (i) a request or application (however described) to be submitted by the contracting third country under the EUIA in relation to the protection of the traditional term;
  - (ii) an assessment to be carried out under the EUIA in relation to the traditional term.

## PART C

### Types of traditional term (the Types Table)

<i>Column 1 Row No.</i>	<i>Column 2 Description of the traditional term</i>	<i>Column 3 Type A provisions</i>	<i>Column 4 Type B provisions</i>	<i>Column 5 The column 5 date</i>
1.	Established protected traditional terms.	Not applicable.	Not applicable.	<p>1. In relation to a traditional term listed in Annex 3 to Commission Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products <sup>F145</sup> when that Regulation was published in the Official Journal of the European Union, 4th May 2002.</p> <p>2. In relation to a traditional term added to Annex 3 to Regulation (EC) No 753/2002</p>



after 4th May 2002, the date on which the addition of the traditional term to that Annex first applies.

3. In any other case, the date on which the application that resulted in the first registration of the traditional term was submitted to the European Commission under the relevant pre-IP completion day legislation.

2. A traditional term that:
  - (a) is used in relation to a grapevine product produced in a third country,
  - (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties, and
  - [<sup>F146</sup>(c) must be protected in Great Britain pursuant to —
1. A traditional term that is in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered in that register pursuant to Article [<sup>F147</sup>32c(1) or] 39. A traditional term that is not in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused but must be protected in Great Britain pursuant to —
- (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
- (b) bridging arrangements between the United Kingdom and the third country made, on or after the day on which the relevant trade mark application is accepted.]
- [<sup>F149</sup>A traditional term that is not in Great Britain's Traditional Terms Register when the relevant trade mark application is accepted but must be protected in Great Britain pursuant to —
- (a) an international agreement to which the United Kingdom and the third country are contracting parties that enters into force, or
- (b) bridging arrangements between the United Kingdom and the third country made, on or after the day on which the relevant trade mark application is accepted.]

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

(ii) bridging which the United Kingdom and the third country are contracting parties and the third country made, force, or during the (b) bridging relevant period.] arrangements between the United Kingdom and the third country made, before the day on which the paragraph 1 trade mark application is accepted or refused.]

3. A traditional term that: (a) is used in relation to a grapevine product produced in a third country, and (b) was protected in the European Union immediately before IP completion day pursuant to an EUIA to which the European Union and the third country were contracting parties.
1. A traditional term that is in Great Britain's Traditional Terms Register before the day on which the paragraph 1 trade mark application is accepted or refused and is entered in that register following the approval of Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant trade mark application period.
- A traditional term: The relevant EUIA-based date that applies to the traditional term in relation to the EUIA referred to in point (b) of column 2.
- (a) that is not in Great Britain's Traditional Terms Register when the relevant trade mark application is accepted, and (b) for which an application to register the traditional term is submitted to the Secretary of State under Article 21 of Implementing Regulation (EU) 2019/34 during the relevant period and that application: (i) is not submitted before the relevant trade mark application is accepted, or (ii) is submitted before the relevant trade mark application is accepted but for which a notice published by the Secretary of State

application is under the second accepted or subparagraph of refused, Article 115(2) of (b) for which Regulation (EU) an application No 1308/2013 to register the relating to the traditional term is application to submitted to the register the Secretary of State traditional term under Article 21 is not published of Implementing before the relevant Regulation (EU) trade mark 2019/34 during application is the relevant accepted. period, and (c) for which an Article 115(2) approval notice relating to the application is published before the day on which the paragraph 1 trade mark application is accepted or refused.

4. A traditional term: See the entry in See the entry in The relevant (a) that is used row 3 of this row 3 of this EUIA-based date in relation to a column. column. that applies to the grapevine product produced in a third country, (b) for which an assessment relating to the protection of the traditional term was being carried out, or a request for protection, or an application for assessment for protection, was submitted, before IP completion day in respect of the traditional term under an EUIA, and (c) for which no decision was

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	made pursuant to the EUIA before IP completion day as to whether the traditional term should be protected in the European Union.		
5.	A traditional term: (a) that is used in relation to a grapevine product produced in a third country, and (b) for which an application to register the traditional term was submitted to the European Commission under Article 29 of Regulation 607/2009, or Article 21 of EU Regulation 2019/34, before IP completion day that was neither refused nor resulted in traditional term being added to the European Commission's Traditional Terms Register before IP completion day.	See the entry in row 3 of this column.	See the entry in row 3 of this column. The date on which the application referred to in point (b) of column 2 was submitted to the European Commission under the relevant pre-IP completion day legislation.

## ANNEX A2

### Appeals

<b>Column 1 Decision</b>	<b>Column 2 Persons and third country authorities who may appeal against the decision</b>	<b>Column 3 FTT powers</b>
Decision of the Secretary of State to approve an application submitted under Article 21 of	The persons are: (a) a person who submits a duly substantiated objection to the	Power to: (a) quash the decision and direct the Secretary of State to remove

Implementing Regulation (EU) 2019/34 to protect a traditional term.	application under Article 22 of Implementing Regulation (EU) 2019/34; (b) a person marketing a product that is, or may be, affected by the protection of the traditional term.	the entry for the traditional term from Great Britain's Traditional Terms Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 21 of Implementing Regulation (EU) 2019/34 to protect a traditional term.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to protect the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to register the traditional term by making an entry for the traditional term in Great Britain's Traditional Terms Register, recording the data specified in Article 25(1) of Implementing Regulation (EU) 2019/34 in that register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve a request submitted under Article 34 to modify a traditional term.	The persons are: (a) a person who submits an objection to the modification of the traditional term under Article 22 of Implementing Regulation (EU) 2019/34 (as it applies to a request to modify a traditional term by virtue of the first paragraph of Article 27 of Implementing Regulation (EU) 2019/34); (b) a person marketing a product that is, or may be, affected by the modification of the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to restore the data in the entry for the traditional term in Great Britain's Traditional Terms Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject a request submitted under Article 34 to modify a traditional term.	The persons are: (a) the person who submitted the request; (b) a person marketing a product that is, or may be, affected by the decision not to modify the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to make such change to the data in the entry for the traditional term in Great Britain's Traditional Terms Register as the modification of the traditional terms entails, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to approve a request	The persons are:	Power to:

submitted under Article 35 (a) a third country authority (a) quash the decision and direct to cancel the protection of a which, or the applicant (within the Secretary of State to restore traditional term. the meaning of Article 29(1) the entry for the traditional term of Implementing Regulation in Great Britain's Traditional (EU) 2019/34) who, submits Terms Register, or observations to the Secretary (b) remit the matter to of State in relation to the the Secretary of State for cancellation request having reconsideration and fresh been invited to do so by the decision. Secretary of State under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34;

(b) a person who submits an objection in relation to the request in accordance with the objection in Section 2 of Chapter III (as it applies in relation to a request to cancel the protection of a traditional term by virtue of the second paragraph of Article 35);

(c) a person marketing a product that is, or may be, affected by the cancellation of the protection of the traditional term.

Decision of the Secretary of State to reject a request submitted under Article 35 to cancel the protection of a traditional term.	The persons are: (a) the person who submitted the request; (b) a third country authority which, or the applicant (within the meaning of Article 29(1) of Implementing Regulation (EU) 2019/34) who, submits observations to the Secretary of State in relation to the cancellation request having been invited to do so by the Secretary of State under the first subparagraph of Article 29(1) of Implementing Regulation (EU) 2019/34; (c) a person marketing a product that is, or may be, affected by the continued protection of the traditional term.	Power to: (a) quash the decision and direct the Secretary of State to remove the entry for the traditional term from Great Britain's Traditional Terms Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.”
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**F145** OJ No. L 118, 4.5.2002, p. 1, repealed by Commission Regulation (EC) No 607/2009 (OJ No. L 193, 24.7.2009, p. 60). Last amended before its repeal by Commission Regulation (EC) No 1471/2007 (OJ No. L 329, 14.12.2007, p. 9).

- F146** Words in Sch. 8 Pt. 6 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(10)(c)(i)**
- F147** Words in Sch. 8 Pt. 6 inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(10)(c)(ii)(aa)**
- F148** Words in Sch. 8 Pt. 6 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(10)(c)(ii)(bb)**
- F149** Words in Sch. 8 Pt. 6 substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(10)(c)(iii)**

## PART 7

### Annex 1: new Part A

#### Commencement Information

**I64** Sch. 8 Pt. 7 in force at 31.12.2020, see [reg. 1\(7\)](#)

## “PART A

### Terms referred to in Article 41(1)

Terms concerning sulphites/sulfites:

‘sulphites’ or ‘sulfites’

‘sulphur dioxide’ or ‘sulfur dioxide’

Terms concerning eggs and egg-based products:

‘egg’

‘egg protein’

‘egg product’

‘egg lysozyme’

‘egg albumin’

Terms concerning milk and milk-based products:

‘milk’

‘milk products’

‘milk casein’ or ‘milk protein’

## PART 8

### New Annexes 2 and 3

#### Commencement Information

**I65** Sch. 8 Pt. 8 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### “ANNEX 2

Words referred to in point (b) of the second subparagraph of Article 46(3)

Words authorised instead of ‘producer’: ‘processor’ or ‘winemaker’

Words authorised instead of ‘produced by’: ‘processed by’ or ‘made by’

#### ANNEX 3

Indication of the sugar content

## PART A

List of terms referred to in Article 47(1), to be used for sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

<i>Terms</i>	<i>Conditions of use</i>
extra dry	If its sugar content is between 12 and 17 grams per litre.
dry	If its sugar content is between 17 and 32 grams per litre.
medium dry	If its sugar content is between 32 and 50 grams per litre.



mild, sweet	If its sugar content is greater than 50 grams per litre.
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## PART B

List of terms referred to in Article 52(1), to be used for products other than those listed in Part A

<i>Terms</i>	<i>Conditions of use</i>
dry	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
medium dry	If its sugar content exceeds the maximum permitted but does not exceed: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.
medium, medium sweet	If its sugar content exceeds the maximum permitted but does not exceed 45 grams per litre.
sweet	If its sugar content is at least 45 grams per litre.”

### SCHEDULE 9

Regulation 27

Commission Implementing Regulation (EU) 2019/34: new provisions

## PART 1

### New Article 1a

#### Commencement Information

**I66** Sch. 9 Pt. 1 in force at 31.12.2020, see [reg. 1\(7\)](#)

“Article 1a

Definitions

In this Regulation:

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

- (a) 'EU Regulation 1308/2013' means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products as it had effect immediately before IP completion day;
- (b) 'EU Regulation 2017/625' means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products as it had effect immediately before IP completion day;
- (c) 'EU Regulation 2019/34' means Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks as it had effect immediately before IP completion day;
- (d) 'Regulation 2017/625' means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;
- (e) 'constituent nation' means England, Northern Ireland, Scotland or Wales;
- (f) 'control body' has the same meaning as in EU Regulation 2019/34 and is to be interpreted taking into account the repeal and replacement of Regulation (EC) No 882/2004 by EU Regulation 2017/625;
- (g) 'competent authority', 'the national competent authorities' and 'the responsible competent authorities' each mean:
  - (i) in relation to England and Wales, the competent authority specified in regulation 4(1) of the Wine Regulations 2011 as that regulation extends to Great Britain;
  - (ii) in relation to Scotland, the competent authority specified in regulation 4(1) of the Wine Regulations 2011, as read with paragraph (3) of that regulation, as that regulation extends to Great Britain;
- (h) 'country', in relation to the United Kingdom, means the United Kingdom as a whole and does not mean an individual constituent nation forming part of the United Kingdom;
- (i) 'Great Britain's Traditional Terms Register' means the register referred to in Article 25(1);
- (j) 'notice period', in relation to a notice referred to in this Regulation, means the period of 20 days from the day on which the relevant notice is published, beginning with the day on which the notice is published;
- (k) 'third country' means a country, other than the United Kingdom, and includes:
  - (i) the Bailiwick of Guernsey;
  - (ii) the Bailiwick of Jersey;
  - (iii) the Isle of Man;
- (l) 'third country standard amendment' has the meaning given by Article 14(2c) of Delegated Regulation (EU) 2019/33;
- (m) 'third country temporary amendment' has the meaning given by Article 14(2d) of Delegated Regulation (EU) 2019/33;
- (n) 'UK standard amendment' has the meaning given by Article 14(2a) of Delegated Regulation (EU) 2019/33;

- (o) ‘UK temporary amendment’ has the meaning given by Article 14(2b) of Delegated Regulation (EU) 2019/33.’

## PART 2

### Article 12: new paragraphs 2 to 2l

#### Commencement Information

**I67** Sch. 9 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

“**2.** Where the Secretary of State publishes a notice to which paragraph 2d applies relating to an amendment to a product specification for a designation of origin or geographical indication that entails a change to the information recorded in the register, the Secretary of State must as soon as possible after the expiry of the notice period for the notice:

- (a) record the new data for the designation of origin or geographical indication, as relevant, in the register, and
- (b) attach a copy of the modified consolidated product specification and, where relevant, a copy of the modified single document, for the designation of origin or geographical indication, as relevant, to the register.

**2a.** The new data recorded in the register pursuant to paragraph 2(a), and the modified consolidated product specification attached to the register pursuant to paragraph 2(b), take effect immediately after:

- (a) the new data has been recorded in the register, and
- (b) the copy of the modified consolidated product specification is attached to the register.

**2b.** Where the Secretary of State publishes a notice to which paragraph 2d applies relating to an amendment to a product specification for a designation of origin or geographical indication that does not entail a change to the information recorded in the register, the Secretary of State must attach a copy of the modified consolidated product specification and, where relevant, a copy of the modified single document, for the designation of origin or geographical indication to the register as soon as possible after the notice period for the notice has expired.

**2c.** The modified consolidated product specification attached to the register pursuant to paragraph 2b takes effect immediately after the copy of it is attached to the register.

**2d.** This paragraph applies to:

- (a) a notice relating to the approval of a non-standard amendment to a product specification for a designation of origin or geographical indication published under Article 99(3) of Regulation (EU) No 1308/2013 (as it applies to an application for a non-standard amendment by virtue of Article 15(1) of Delegated Regulation (EU) 2019/33);
- (b) a notice relating to the approval of a UK standard amendment to a product specification for a designation of origin or geographical indication published under the Article 17(2a) of Delegated Regulation (EU) 2019/33;
- (c) a notice making an approved third country standard amendment to a product specification for a designation of origin or geographical indication public published under Article 17(5) or (6) of Delegated Regulation (EU) 2019/33.

**2e.** Where the Secretary of State publishes a notice under Article 18(1m) of Delegated Regulation (EU) 2019/33 relating to the approval of a UK temporary amendment to a product

specification for a designation of origin or geographical indication, the Secretary of State must record an entry in the register relating to the UK temporary amendment in the register as soon as possible after publishing that notice.

**2f.** Based on the information given in a notice published under Article 18(1m) of Delegated Regulation (EU) 2019/33, the data recorded in an entry referred to in paragraph 2e must include the period during which the UK temporary amendment is to apply.

**2g.** Based on the information given in a notice published under Article 18(1n) of Delegated Regulation (EU) 2019/33, the period stated in the register as the period during which the UK temporary amendment is to apply must be changed where the period is extended under Article 18(1l) of that Regulation and a notice relating to that extension of that period is published under Article 18(1n) of that Regulation.

**2h.** A UK temporary amendment referred to in paragraph 2e takes effect immediately after the entry referred to in that paragraph (as read with paragraphs 2f) is recorded in the register. The product specification attached to the register applies, as read with the UK temporary amendment, during the period specified in the register as the period during which the UK temporary amendment is to apply.

**2i.** Where the Secretary of State publishes a notice making a third country temporary amendment to a product specification for a designation of origin or geographical indication public under Article 18(5) of Delegated Regulation (EU) 2019/33, the Secretary of State must record an entry in the register relating to the third country temporary amendment as soon as possible after publishing that notice.

**2j.** Based on the information given in a notice published under Article 18(5) of Delegated Regulation (EU) 2019/33, the information contained in the entry referred to in paragraph 2i must include the period during which the third country temporary amendment is to apply.

**2k.** A third country temporary amendment referred to in paragraph 2i takes effect immediately after the entry referred to in that paragraph (as read with paragraph 2j) is recorded in the register. The product specification attached to the register applies, as read with the third country temporary amendment, during the period specified in the register pursuant to paragraph 2j.

**2l.** The Secretary of State must remove an entry in the register relating to a UK temporary amendment or a third country temporary amendment as soon as possible after the period specified in the register as the period during which the amendment is to apply has expired.”

## PART 3

### New Article 12a

#### Commencement Information

**I68** Sch. 9 Pt. 3 in force at 31.12.2020, see [reg. 1\(7\)](#)

*“Article 12a*

*Register: established protected designations of origin  
and established protected geographical indications*

1. The Secretary of State must include the relevant data for each established protected designation of origin and established protected geographical indication in Great Britain's PDOs and PGIs Register.
2. The Secretary of State must include the relevant data referred to in paragraph 1 in Great Britain's PDOs and PGIs Register at the time the register is established by the Secretary of State or as soon as possible after the register has been established by the Secretary of State.
3. The Secretary of State must use the Secretary of State's best endeavours in relation to each established protected designation of origin and established protected geographical indication to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication, and attach that document to Great Britain's PDOs and PGIs Register.
4. Where the EU product specification for a corresponding EU designation of origin or corresponding EU geographical indication is in a foreign language the Secretary of State must attach an English language translation of that product specification to the register instead of the foreign language version of that document.
5. The Secretary of State must attach the product specification referred to in paragraph 3 (as read with paragraph 4) to Great Britain's PDOs and PGIs Register at the time when the register is established by the Secretary of State or as soon as possible after the register has been established by the Secretary of State.
6. The EU product specification attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) must be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB wine scheme.
7. Paragraph 6 does not prevent a product specification attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 3 (as read with paragraph 4) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 6 from being amended or replaced following an application made under Article 106 of Regulation (EU) No 1308/2013.
8. Where paragraph 9 applies, the Secretary of State may, in relation to an established protected designation of origin or established protected geographical indication, attach a copy of an EU single document for the corresponding EU designation of origin or corresponding EU geographical indication to the register.
9. This paragraph applies if, in relation to an established protected designation of origin or established protected geographical indication, the Secretary of State is unable to obtain a copy of the EU product specification for the corresponding EU designation of origin or corresponding EU geographical indication within a period of three years beginning with the day after the day on which IP completion day falls.
10. Where the Secretary of State decides to attach an EU single document for a corresponding EU designation of origin or corresponding EU geographical indication to Great Britain's PDOs and PGIs Register under paragraph 8 and that EU single document is in a foreign language, the Secretary of State must attach an English language translation of that single document to the register instead of the foreign language version of that document.

**11.** The copy of the EU single document attached to the register pursuant to paragraph 8 (as read with paragraph 10) is to be treated as the product specification for the relevant established protected designation of origin or established protected geographical indication for the purposes of the relevant legislation relating to the GB wine scheme.

**12.** Paragraph 11 does not prevent a single document attached to Great Britain's PDOs and PGIs Register pursuant to paragraph 8 (as read with paragraph 10) and treated as a product specification for an established protected designation of origin or established protected geographical indication by virtue of paragraph 11 from being amended or replaced following an application made under Article 106 of Regulation (EU) No 1308/2013.

**13.** In this Article:

- (a) 'the corresponding EU designation of origin', in relation to an established protected designation of origin, means the designation of origin that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected designation of origin;
- (b) 'the corresponding EU geographical indication', in relation to an established protected geographical indication, means the geographical indication that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected geographical indication;
- (c) 'established protected designation of origin' has the meaning given by Article 107(2) (a) of Regulation (EU) No 1308/2013;
- (d) 'established protected geographical indication' has the meaning given by Article 107(2)(b) of Regulation (EU) No 1308/2013;
- (e) 'the European Commission's PDOs and PGIs Register' means the register established by the Commission under Article 104 of EU Regulation 1308/2013;
- (f) 'Great Britain's PDOs and PGIs Register' means the register established by the Secretary of State under Article 104 of Regulation (EU) No 1308/2013;
- (g) 'the legislation relating to the GB wine scheme' means:
  - (i) the provisions in Section 2 of Title 2 of Part 2 of Regulation (EU) No 1308/2013,
  - (ii) Delegated Regulation (EU) 2019/33, and
  - (iii) this Regulation;
- (h) 'the relevant data', in relation to an established protected designation of origin or established protected geographical indication, means the data specified in Article 12(1)(a), (c) and (d) of EU Regulation 2019/34 that is recorded in the European Commission's PDOs and PGIs Register for the corresponding EU designation of origin or corresponding EU geographical indication immediately before IP completion day.

**14.** In this Article any reference to:

- (a) the EU product specification relating to a corresponding EU designation of origin or a corresponding EU geographical indication is to be read as a reference to the product specification for the corresponding EU designation of origin or corresponding EU geographical indication as that product specification stood immediately before IP completion day;
- (b) the EU single document relating to a corresponding EU designation of origin or a corresponding EU geographical indication is to be read as a reference to the single document for the corresponding EU designation of origin or corresponding

EU geographical indication as that single document stood immediately before IP completion day.”

## PART 4

### New Article 25a

#### Commencement Information

**I69** Sch. 9 Pt. 4 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### *“Article 25a*

##### *Register: established protected traditional terms*

1. The Secretary of State must include the relevant data for each established protected traditional term in Great Britain's Traditional Terms Register when the register is established by the Secretary of State or, if that is not possible, as soon as possible after the register is established.

2. In this Article:

- (a) ‘the corresponding EU traditional term’, in relation to an established protected traditional term, means the traditional term that was protected in the European Union under EU Regulation 1308/2013 immediately before IP completion day that corresponds to the established protected traditional term;
- (b) ‘an established protected traditional term’ has the meaning given by Article 1a(j) of Delegated Regulation (EU) 2019/33;
- (c) ‘Great Britain's Traditional Terms Register’ has the meaning given by Article 1a(m) of Delegated Regulation (EU) 2019/33;
- (d) ‘the European Commission's Traditional Terms Register’ means the register maintained by the European Commission under Article 25 of EU Regulation 2019/34;
- (e) ‘the relevant data’, in relation to an established protected traditional term, means the data specified in Article 25(1)(a) to (g) of EU Regulation 2019/34 that is in the European Commission's Traditional Terms Register for the corresponding EU traditional term immediately before IP completion day.”

## SCHEDULE 10

Regulation 28

Regulation (EU) 2019/787 of the European Parliament and of the Council: new provisions

**PART 1**

## Article 3: new points (8) to (15)

**Commencement Information****I70** Sch. 10 Pt. 1 in force at 31.12.2020, see reg. 1(7)

“(8) ‘EU Regulation 110/2008’ means Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks as it had effect before IP completion day;

(9) ‘EU Regulation 2019/787’ means Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages as it had effect before IP completion day;

(10) ‘established geographical indication’ means a geographical indication within the meaning of Article 3(4) to which Article 54(2) of the EU withdrawal agreement applies;

(11) ‘EUWA’ means the European Union (Withdrawal) Act 2018;

(12) ‘FTT’ means the First-tier Tribunal;

(13) ‘Great Britain’s GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1);

(14) in Articles 43 and 43a, ‘the original applicant’, in a case where an appeal has been made in respect of a decision made by the Secretary of State in relation to a geographical indication under Article 34, or following the submission of an application under Article 24 or 31, or a request submitted under Article 34, means the person who submitted the application or request;

[<sup>F150</sup>(15) ‘third country’ means—

(a) for the purposes of the definition of ‘EUIA’ in point (10a), Article 36c and Annex 1A (other than the reference in paragraph (b)), any country other than—

- (i) any part of the British Islands, or
- (ii) a member State,

(b) for the purposes of the reference in column 2 of row 5 of the Types Table in Part 3 of Annex 1A, any country other than any part of the British Islands;

(c) for all other purposes, any country other than the United Kingdom, and includes:

- (i) the Bailiwick of Guernsey;
- (ii) the Bailiwick of Jersey;
- (iii) the Isle of Man;”]

**F150** Words in Sch. 10 Pt. 1 substituted (31.12.2020 immediately before IP completion day) by The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1661), regs. 1(2)(b), 16(11)



## PART 2

### New Chapter 4

#### Commencement Information

**I71** Sch. 10 Pt. 2 in force at 31.12.2020, see [reg. 1\(7\)](#)

#### “CHAPTER 4

#### GEOGRAPHICAL INDICATIONS: APPEALS

##### *Article 43*

##### *Appeals*

1. An appeal may be made to the FTT against a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 2.
2. Such an appeal may be made:
  - (a) in all cases, by a person specified in the corresponding entry in column 2 of the table in Part 2 of Annex 2;
  - (b) in the case of a decision affecting an application submitted by the authorities of a third country, by the authorities of that third country.
3. In determining such an appeal the FTT:
  - (a) must consider the decision appealed against afresh;
  - (b) may take into account evidence that was not available to the Secretary of State.
4. The FTT may:
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the table in Part 2 of Annex 2.
5. Where the FTT remits a matter to the Secretary of State for reconsideration and fresh decision:
  - (a) the Secretary of State, after making a fresh decision, must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the original applicant, the appellant (if different) and the public of that fresh decision and the reasons for that decision;
  - (b) the provisions of this Chapter and Annex 2 apply to the fresh decision made by the Secretary of State.
6. An appeal made under paragraph 1 in relation to a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 2 does not prevent an entry recorded on Great Britain's GIs Register by the Secretary of State following that decision from having effect.
7. The entry referred to in paragraph 6 continues to have effect, despite the appeal, unless the appeal is allowed by the FTT and:
  - (a) in a case where the FTT quashes the Secretary of State's decision and directs the Secretary of State to take specified action, that action has been taken;

- (b) in a case where the FTT remits the matter to the Secretary of State for reconsideration and fresh decision, the relevant entry ceases to have effect as a result of consequent action taken in relation to the entry in the register following the fresh decision taken by the Secretary of State.

#### *Article 43a*

##### *Secretary of State decision to consider a decision afresh and the effect of that decision on an appeal*

1. The Secretary of State may consider a decision specified in column 1 of the table in Part 2 of Annex 2 ('the original decision') afresh if evidence becomes available to the Secretary of State after making the original decision that was not available to the Secretary of State at the time of the original decision.
2. Paragraph 1 applies even though an appeal has been made in respect of the original decision.
3. Where the Secretary of State decides to consider an original decision afresh in a case where an appeal has been made to the FTT in respect of that decision:
  - (a) the Secretary of State must notify the FTT of the Secretary of State's decision to consider the original decision afresh and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision;
  - (b) the appeal to the FTT is suspended until such time as the Secretary of State has made a fresh decision in relation to the matter;
  - (c) the Secretary of State must, following the making of the fresh decision, notify the FTT of that decision and publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice informing the appellant, the original applicant (if different) and the public of that decision and the reasons for that decision.
4. If the Secretary of State makes the same decision again, the appeal to the FTT restarts.
5. If the Secretary of State makes a different decision, the appeal to the FTT ceases unless the FTT directs otherwise."

## **PART 3**

### **New Annex 2**

#### **Commencement Information**

**I72** Sch. 10 Pt. 3 in force at 31.12.2020, see [reg. 1\(7\)](#)

“ANNEX 2

**APPEALS**

**PART 1**

Interpretation

In the table in Part 2, ‘a valid notice of opposition’ means a notice of opposition that contains the declaration required by the second subparagraph of Article 27(1).

**PART 2**

Appellants and powers of the FTT on appeal

<b>Column 1 Decision</b>	<b>Column 2 Persons who may appeal against the decision</b>	<b>Column 3 FTT powers</b>
Decision of the Secretary of State to approve an application submitted under Article 24 to register a geographical indication.	The persons are: (a) a person who submits a valid notice of opposition in relation to the application; (b) a person marketing a product that is, or may be, affected by the registration of the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to: (i) remove the entry for the geographical indication from Great Britain's GIs Register, and (ii) remove the copy of the product specification for the geographical indication attached to Great Britain's GIs Register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.
Decision of the Secretary of State to reject an application submitted under Article 24 to register a geographical indication.	The persons are: (a) the person who submitted the application; (b) a person marketing a product that is, or may be, affected by the decision not to register the geographical indication.	Power to: (a) quash the decision and direct the Secretary of State to register the geographical indication by: (i) making an entry for the geographical indication in Great Britain's GIs Register, and (ii) attaching a copy of the product specification for the geographical indication to the register, or (b) remit the matter to the Secretary of State for reconsideration and fresh decision.

**Changes to legislation:** There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

Decision of the Secretary of State to approve an application submitted under Article 31 to amend a product specification for a geographical indication.	<p>The persons are:</p> <p>(a) a person who submits a valid notice of opposition in relation to the application under Article 27(1) (as it applies to an application to amend a product specification by virtue of Article 31(9));</p> <p>(b) a person marketing a product that is, or may be, affected by the amendment of the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and (as appropriate) direct the Secretary of State to:</p> <p>(i) restore the data in the entry for the geographical indication in Great Britain's GIs Register;</p> <p>(ii) remove the copy of the modified product specification for the geographical indication attached to Great Britain's GIs Register and replace it with a copy of the product specification that was attached to Great Britain's GIs Register immediately before the Secretary of State decided to approve the application, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to reject an application submitted under Article 31 to amend a product specification for a geographical indication.	<p>The persons are:</p> <p>(a) the person who submitted the application;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to amend the product specification.</p>	<p>Power to:</p> <p>(a) quash the decision and (as appropriate) direct the Secretary of State:</p> <p>(i) in the case of an amendment to the product specification that is not a temporary amendment:</p> <p>(aa) to make such change to the data in the entry for the geographical indication in Great Britain's GIs Register as the amendment to the product specification may entail;</p> <p>(bb) to replace the copy of the product specification for the geographical indication attached to Great Britain's GIs Register with a copy of the modified product specification;</p> <p>(ii) in the case of a temporary amendment to the product specification, to make an appropriate entry relating to the temporary amendment to the product specification for the geographical indication in Great Britain's GIs Register, or</p> <p>(b) remit the matter to the Secretary of State for</p>

		reconsideration and fresh decision.
Decision of the Secretary of State under Article 32, on the Secretary of State's own initiative, to cancel the registration of a geographical indication.	<p>The persons are:</p> <p>(a) a person who submits a valid notice of opposition under Article 27(1) in relation to the proposed decision (as it applies to a decision to cancel the registration of a geographical indication by virtue of the second subparagraph of Article 32(1));</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p> <p>(ii) reattach to Great Britain's GIs Register a copy of the product specification for the geographical indication that was attached to the register immediately before the Secretary of State decided to cancel the registration of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to approve a request submitted under Article 32 to cancel the registration of a geographical indication.	<p>The persons are:</p> <p>(a) a person who submits a valid notice of opposition under Article 27(1) in relation to the request (as it applies to a request to cancel a geographical indication by virtue of the second subparagraph of Article 32(1));</p> <p>(b) a person marketing a product that is, or may be, affected by the cancellation of the geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to:</p> <p>(i) restore the entry for the geographical indication in Great Britain's GIs Register, and</p> <p>(ii) reattach to Great Britain's GIs Register a copy of the product specification for the geographical indication that was attached to the register immediately before the Secretary of State decided to cancel the registration of the geographical indication, or</p> <p>(b) remit the matter to the Secretary of State for reconsideration and fresh decision.</p>
Decision of the Secretary of State to reject a request submitted under Article 32 to cancel the registration of a geographical indication.	<p>The persons are:</p> <p>(a) the person who submitted the request;</p> <p>(b) a person marketing a product that is, or may be, affected by the decision not to cancel the geographical indication.</p>	<p>Power to:</p> <p>(a) quash the decision and direct the Secretary of State to;</p> <p>(i) remove the entry for the geographical indication from Great Britain's GIs Register, and</p> <p>(ii) remove the copy of the product specification for</p>

the geographical indication attached to Great Britain's GIs Register, or  
 (b) remit the matter to the Secretary of State for reconsideration and fresh decision.”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d) and (e)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to—

- (a) agricultural products and foodstuffs;
- (b) aromatised wines;
- (c) spirit drinks;
- (d) wine;
- (e) tribunal procedure rules concerning decisions relating to applications for the registration, amendment and cancellation of designations of origin, geographical indications and traditional specialities guaranteed for agricultural products and foodstuffs, geographical indications for aromatised wine and designations of origin, geographical indications and traditional terms for wines.

Part 2 amends the Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 (S.I. 2018/1275) (“the 2018 Regulations”) to take account of changes relating to official controls affecting the 2018 Regulations made by Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ No. L 95, 7.4.2017, p. 1).

Part 3 omits provisions in subordinate legislation that were included in that to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The legislation amended by that subordinate legislation, which would otherwise have come into force on IP completion day, either no longer applies or the amendments for that legislation are replaced by amendments in these Regulations which consolidate and update the previous amendments, taking account of the transition period.

Part 4 is divided into three Chapters and amends domestic legislation relating to agricultural products and foodstuffs, tribunal procedure rules, spirit drinks and wine. Chapter 1 makes amendments that extend to the United Kingdom, Chapter 2 make amendments that extend to Great Britain and Chapter 3 makes amendments that extend to Northern Ireland.

Part 5 and the Schedules amend retained direct EU legislation relating to agricultural products and foodstuffs, aromatised wine, spirit drinks and wine.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020.